IMT Nuremberg Archives

H – 970

International Court of Justice

H0970 – 0001

Com. B.
Take 1 - 1
Winkler
21 June 1946
Straub
1000 - 1130 hours

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

21 June 1946

COMMISSIONER:

Mr. George R. Taylor

THE GESTAPO

(The Commission convened at 1000 hours)

FRANZ STRAUB, a witness, took the stand and testified as follows:

MR. TAYLOR: The witness is to be reminded that he is still under oath?

THE WITNESS: Yes, sir.

MR. TAYLOR: Proceed with the witness, Dr. Merkel.

DIRECT EXAMINATION RESUMED

By Dr. Merkel: ----------

Q. I'll show you document F 673, which is R.F. 392, which is an order by Keitel of August 18, 1944, regarding the conduct of saboteurs and terrorists in occupied areas. I'm quoting #4 of that document: "Proceedings against terrorists and saboteurs which are and against any other criminal acts committed by non-German civilians in the occupied area which do not endanger the security or efficiency of the occupied forces are to be stopped, indictments are to be taken back and no executions are to be carried on any further. The criminals are to be handed over with the secret files on our cases to the nearest local office of the Sipo and SD." Do you know anything about the carrying out of this order in Belgium and Northern France?

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A. No, I know nothing about it. That is an order issued from the Fuehrer's headquarters as a secret commando matter. I assume it went to the military courts. As an official of the Sipo I never got knowledge of that order and I assume that it actually was never received by the Sipo in Belgium since it was issued on August 18, and we left Belgium on September 2.

Q. The next document I would like to show you is F 641 A which is RF 320, that is a report issued by the Belgium Commission on War Crimes, which talks about crimes committed by the Gestapo. I'm asking you in regard to the cases listed in the appendix of the document - whether they were really misdeeds committed by the Gestapo?

A. As far as I can see from the record it referred to cases in which the Geheime Feld Polizei - Secret Police - was involved, so it seems again that even on December 27, 1945, people didn't realize the difference between the Gestapo and Geheime Feld Polizei, and this document accuses the Gestapo of the deeds which apparently were commited by the Geheime Feld Polizei - Secret Field Police.

Q. Does the document make reference to cases to a bit of time when the Geheime Feld Polizei, Secret Field Police, was exclusively under the Army?

A. It seems the cases refer to the section 530 of the Geheime Feld Polizei, Secret Field Police, which never was transferred to the Sipo.

Q. How were foreign laborers recruited in Northern France and Belgium?

A. Foreign laborers were recruited exclusively through the sub-offices of Sauckel. The Sipo had nothing to do whatsoever with the recruiting or any other phase of the foreign labor problem. The head office of the Sipo had issued an order for Northern France and Belgium and I think also for the Netherlands and the total area of France that people who had deserted from labor should not be arrested and should not be brought back to the Reich.

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Q. Did the Security Police in Belgium or Northern France every receive, carry out, or issue any orders which could be interpreted as a crime against people, against the laws, or war against humanity?

A. No, sir.

Q. Do you know anything about the so-called Einsatzgruppen or Einsatzkommandos which were used in the East?

A. There were no Einsatzgruppen nor Einsatzkommandos in Belgium or Northern France, and we had no knowledge of the structure or function of those in the East.

Q. Did the SS Sipo maintain xxx xpxixxixxxx special units in prisoner of war camps to sift out people who were considered racially or politically undesirable and to execute those?

A. There were no prisoner of war camps in Belgium nor xxxxxx Northern France, and I do not know of any orders of that kind.

Q. Did the Sipo send, in any other way, people who were considered racially or politically undesirable, to camps and had then executed there?

A. I never heard anything of that kind, and I stated already here that people arrested by the Sipo were turned over to the military authorities and military courts and that the Sipo had nothing to do with them afterwards, and if and when a person had to be brought from the occupied territory to the Reich, in each individual case, the military commander had to be informed, and he gave or refused his approval.

Q. Were people arrested and executed by the Sipo in Belgium and Northern France for crimes relative to those they were supposed to have committed - the so-called Sippenhaft?

A. Such so-called Zippenhaft were not performed in Belgium and Northern France, as far as I know by the Sipo.

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Q. Was the so-called Nacht and Nebel - night and fog - order carried out by the Sipo in Belgium and Northern France?

A. That order was issued to and carried out by the military courts and if people in accordance with that order had to be deported to the Reich then the deportation was performed by the frontier police.

Q. I submit to you document 1650, the so-called Hugel order. Was that order carried out in the district of the Sipo in Belgium and Northern France?

A. I learned of that order only while I was in prison.

Q. I submit to you P.S. 498, the so-called Kommando order of Hitler. It refers to the execution of the members of the Kommando leaders and parachutists. What do you know about the execution of that order in Belgium and Northern France?

A. I learned nothing about the execution of that order in Belgium and Northern France. At that time the execution of that order was the duty of the counter-intelligence which used as its tool exclusively the Geheime Feld Polizei - Secret Field Police.

Q. Did the Sipo or SD possess any orders to murder people who were in their custody to prevent their liberation by the Allies?

A. I know of no order of that kind. As far as I know prisoners who were in Army installations when the German troops left, Belgium and Northern France were all collected into one big transport and then transferred back to Belgium and given to the Belgium authorities in prisons. For having not carried out the order of Himmler, the military commander and chief of the Security Police in Belgium, Jungclaus was punished.

Q. Had the Sipo any part in the confiscation and distribution of public or private property in Belgium?

A. As far as I know, no. I outlined before any questions referring to property where the job of group #12 of military government.

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Q. As far as you know were the churches persecuted in the districts of Sipo under your ~~xxx~~ observation?

A. As far as I know the relation between the military commander, military authorities and the cardinal of Mecheln and the other church leaders were excellent. There was only one official concerned with church matters attached to the staff of the Sipo and SD and his only job was collecting of information. As far as I know the director of church affairs between the cardinal and the military government was a minister by the name of Van Der Elst.

Q. Did the Sipo or the SD blow up a synagogue in Belgium?

A. As far as I know no synagogues in Belgium or Northern France were blown up at all. Therefore, members of the SD and Sipo could not have committed such deeds.

DR. MERKEL: For the time being I have no further questions.

BY DR. GAWLIK: (Defense counsel for the SD)

Q. From whom did department #2 receive its orders - from department #3 or department #4 of the main office?

A. As far as I know all orders referring to Jewish affairs were received from department #4 of Berlin head office - that was Eichmann's office. I'M convinced that all those matters were discussed by the lower Sipo officials with the military government authorities.

Q. The people serving in Belgium and France, did they volunteer for service there or were they sent there as the result of legal duties?

A. As far as civil servants were concerned, they could not volunteer nor could they refuse to serve. The same is true for the members of the SD and the Sipo, who had been enlisted for War service. I would assume that the same holds true for the regular members of the SD, and that they had received their orders from the main office of the SD.

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Q. I'm submitting to you again document F 560, which is RF 305, a report of the American Research Institute for War Crimes. It is a document which has been submitted already. I'm referring you to page 11. I would like you to tell me whether Bahrmann was actually a DSD? Please look over to page 15.

A. The abbreviation DSD probably means German Security Service. If the reference is to some Mr. Bahrmann, then it should be stated that he was not a member of the SD or the Criminal Police. On page 15 the same Bahrmann is mentioned again as chief of SD in Lille. As far as I know there didn't exist any SD office in that city, and Bahrmann is no chief of the SD, but rather a civil servant of the criminal police.

Q. Was/there at the place you were located any official of the SD by the name of Bahrmann?

A. I know of no member of the Sd named Bahrmann.

DR. GAWLIK: No further questions.

MR. TAYLOR: Dr. Merkel, do you have any further questions.

DR. MERKEL: No, sir.

CROSS EXAMINATION

BY MR. MONNERAY:

Q. Witness, you were in the administration of the police since 1919 were you not?

A. Since 1913.

Q. And you entered into the Stapo in 1938?

A. In 1937, I was transferred to the Stapo, but until March 1938, I remained as a frontier police in Passau.

Q. And you entered the Nazi Party in 1937, did you not?

A. Yes.

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Q. I f you had wanted to do so, you had plenty of opportunity to resign in 1937, had you not?

A. I was a professional civil servant and I did not see any reason in 1937 to resign from my regular professional career.

Q. You considered that the activities of the German police after the arrival to power of the Nazi Party was perfectly legal and correct, did you not?

A. Yes.

Q. And especially the activity of the political police?

A. As far as I got acquainted with the activity of the political police, and particularly the area in which I worked, the work of the political police did not undergo any change.

Q.Then according to your testimony even before 1933, the German police were arresting Communists, Socialists, Jews, Free Masons, etc. Is that correct?

A. No, all I meant to say was that if those fields of activity in which I was active - that is counter-intelligence and frontier defense - in those fields no change was forthcoming.

Q. And you had ~~mxk~~ noknowledge at all, of course, as to what was the activity of other branches of the Stapo?

A. Yes I had that knowledge just as much as the member of an office has an opportunity to learn of other people in other offices.

Q. Your branch had nothing to do with concentration camps, and protective custody, for instance?

A. The office to which I was attached was at Munich and of course we were all aware of the existence of the one at Dachau.

Q. And your branch had taken people into protective custody, hadn't it?

A. Yes, the possibility to take somebody into protective custody in the course of counter-intelligence and control arose.

Q. Had you any counter-intelligence activities in Passau?

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A. Only as far as the border police was used in the search for ~~supported~~ suspected individuals.

Q. At your police station you had no official dealing with certain independent questions?

A No only as far as it played a part in the search. I meant to say that the gathering of information was not our responsibility.

Q. According to German Law, how many years is it necessary for a police official to get his pension?

A. I think those laws were changed. I'm not sure about the details. I think they were changed in 1937. In accordance with the old law, ~~perhaps~~ previous to 1937, it was necessary that civil servants had served for ten years.

Q. So if you resigned in 1938, you wouldn't have gotten your pension, would you?

A.Yes.

Q. And you had knowledge in 1938 of the persecution of the Jews in November, had you not?

A. I know of the persecution of Jewis, as far as their collecting and deportation was concerned.

Q. No synagogues had been burned in 1938 in Munich?

A. Yes, of course, I learned of those things at that time I was to Munich and I lived in a suburb. When I came to the office in the morning I learned of it.

Q. And you don't know anything about the order the Gestapo received about those events?

A. No, only upon my arrival at the office I learned of the things which had happened and like many other officials there, we were entirely uninformed.

Q. And immediately all the police stations and policemen were busy trying to find out why the synagogue had been burned, were they not?

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A. I couldn't tell you ~~anyx~~ anything about it. That wasn't my competence, and it was the principle of my office not to interfer with matters that weren't our business. I do know that those departments of our office which were concerned with the domestic affairs immediately got busy, but what measures and results they had I do not know.

Q. But you know, of course, that the whole thing has been organized by the party and the police got orders from higher authorities not to do ~~anyx~~thing?

A. Only during my imprisonment ~~now~~ here I learned of those orders.

Q. Very well, now what was the speical mission you got in Vienna in September 1944?

A. I arrived in Vienna in October 1944, and my mission was to investigate the Communists and Socialists tendencies in the Alt and Danube districts from Austria.

Q. From whom did you get your orders?

A. The office #IV of the Reichssicherheitshauptamt, main office of the Sipo.

Q. And in Vienna you got in touch with what branch of the local office?

A. Only with the local Gestapo office and later with the Kommander of the Sipo in Vienna. Of course, I was to interpret the mission as covering the total territory of the two mentioned Gaus, but actually I was not in a position to carry out that mission any longer because a conference which office IV was to arrange with local officials could not be held any more.

Q. Could you receive files on any question of opposition in those districts when you arrived in Vienna?

A. No, I had to cover the material myself, and all the files I collected only covered a period up to 1938.

Q. And I suppose those files contained lists of suspected people, did they?

A. No, that wasn't so. It contained the information of permanent nature of those movements ~~xx~~, but did not contain names of individuals.

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Q. At what office was the etiology of those reports - the information?

A. The Gestapo offices.

Q. Did you receive also reports of the offices of the SD?

A. No.

Q. And in those files, there were no reports of the SD?

A. No, only Sipo.

Q. Now, let's turn over to activities in Belgium. ~~[illegible]~~ Your commando was at the Sipo area in July 1940?

A. Yes.

Q. What was your exact position of this commando?

A. At first the name of the office was Geheime Feld Poliezi (SI)/was supposed to stand for Sipo.

Q. I think you didn't understand my question. I asked you what was your personal position within this matter?

A. The office I was holding as civil servant was Kriminalrat ~~[illegible]~~ and with the ~~[illegible]~~ Sipo I was called Feld Polizei Director (director of Field Police).

Q. And what was yourmission?

A. I already sketched the functions of my office. I was the leader and director of that function.

Q. Why were you in the Geheime Feld Polizei at the outbreak of the War?

A. That didn't start at the outbreak of the war, but rather when the Commando was put into action on June 1, 1940.

Q. Were many members of the police recruited and put into the Secret Field Police during the WAr?

A. Yes, sir.

Q. In your group when you arrived in June 1940, among the important officers of the Secret Field Police, how many were formers of the police?

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A. I'm not in a position to answer that, but the chief of Secret Police, Kriechbaum is here at Nurnberg and he is in position to answer it.

Q. But it is a general rule that people of the police force were put into the Secret ~~Fxx~~ Field Police, during the war, was it not?

~~X~~. DR. MERKEL: I object, the witness stated already that he is not sufficiently informed on that subject and the witness, Kreichbaum, who is for the hearings here, should be heard on that matter.

MR. ~~MXXXXXXX~~ MONNERAY: Allright.

MR. TAYLOR: Should the witness have this information then I take it that the question would be proper cross examination. No doubt the witness does not know the answer to that question.

MR. MONNERAY: No. I think I'll proceed.

Q. In your group of theCommando, had you other former members of the police?

A. Yes.

Q. Did they hold important positions with this Commando?

A. No, they didn't hold important positions, they were secretaries and the total number was not more than ten. The whole group consisted only until the Chief of Security Police arrived and I believe that was around the end of July 1940.

Q. And your group was a part at this time of the Secret Field Police or Commando of Sipo or SD?

A. The group was transferred to the Sipo.

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Q. Was your kommando in Belgium part of the secret field police, or was it presented to the army as a kommando of the SIPO and the SD?

A. No, it wasn't presented to the commander of the military forces as a geheime police.

Q. You were wearing the uniform of the sedret police, were you not?

A. Yes.

Q. But the main part of the members of this group were members of the SIPO and SD, were they not?

A. Yes, the group was composed of the members of the SIPO and the SD--professional members of the SIPO and SD members drafted for war service.

Q. You were in Munich at the beginning of the war, were you not?

A. Yes.

Q. And you knew probably what kind of military use many of your colleagues were to be put to after the mobilization, did you not?

A. Yes.

~~Q. Yes.~~

Q. Do you know police of Munich who were also drafted into the secret field police?

A. Yes, a few of them.

Q. You told us yesterday the position field kommandos consisted of research work--finding out documents of the emigration organization, the Marxist organization, and so forth?

A. Yes.

Q. And the whole personnel of your kommando participated in this activity, did it not?

A. Yes.

Q. There was no distinction between former members of the SD and

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former members of the Gestapo?

WITNESS: You still refer to the kommando, consisting of about 25 people?

MR. MONNERAY: Yes.

A. Yes. None of us had any executive power then. We were only attached to the service of the SIPO and the SD.

BY MR. MONNERAY:

Q. Nevertheless, you prepared the action to be taken eventually by the army, did you not?

A. Not by the army, but by the SIPO.

Q. Will you give an example of those executive measures to be carried out after the preparatory work done by your group.

A. There existed in Belgium and Northern France about thirty emigrants' organizations. By order of the military authorities, the political activities of those emigrants' organizations had to be prohibited. Hence, in those emigrants' organizations, there was a lot of potential political dynamite. They were requested (a) to discontinue their political activities, and (b) to unite all together into one organization for each nationality. The military authorities also subsequently issued orders for the elimination of certain personalities who did not fit into the framework of the new emigrants' set up.

Q. And in this case it was the members of the SIPO who carried out the arrests?

A. Yes. In such cases the secret field police were requested to carry out the arrests.

Q. But didn't you tell us that the SIPO carried out the executive measures?

A. No, the SIPO carried out only intelligence service, and at that time the executive power was exclusively with the secret field police.

Q. But after this period, the SIPO itself carried out the arrests, did it not?

A. Yes; later, when the secret field police was too busy with the carrying out of its own tasks, the SIPO was authorized by the military authorities in cartain

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cases to carry out executions.

Q. Who carried on the information gathering work?

A. As far as it was concerned with security police, the SIPO; as far as it concerned the SD, the SD.

Q. And what were the questions which came under the competence of the SD?

A. I explained already yesterday that Department Two was concerned with the so-called "weltanschaulichegegne" (hostile forces, on the basis of philosophy or religious or political grounds), and Department Three was concerned with lebensgebiete--the so-called "field of life"--economic questions, art, science, and questions of jurisprudence.

(recess)

Q. After the first period of this kommando, what was your position?

A. As the kommando was enlarged to the security police, my title was criminal counsellor, and my activity was Section Four--the security police executive action, with the exception of the executive matters falling within the scope of Section Two or Section Five.

Q. What were the executive matters of Section Two?

A. Section Two was charged with the preparation and execution of Jewish affairs, Freemasons, which at first was only a matter of getting information and then the securing of still extant installations. Also intelligence in the affairs of the church.

Q. Do you mean the securing of installations only, or the securing of persons belonging to those institutions?

A. I do not know, but I do not believe that the securing of persons was connected with this. As far as I know only material values, installations and such, were secured.

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Q. During the first period, you were dealing with Freemasons, Marxists, and emigrants' resistance, were you not?

A. During the first period of my service, I was concerned with the ~~securing~~ securing of socialist and Marxist property, and at that time there was no resistence movement.

Q. And following the research work, the secret field police proceeded to arrest people?

A. If such executive measures resulted from the orders of the military administration, that might be possible.

Q. Do you claim that the same result would not come out ~~of the result~~ of the work of Abteilung Two?

A. At first Section Two was concerned with these matters only as a matter of ~~xx~~ counter-intelligence. Only later, when collecting and evacuating of Jews had started, Section Two also became active in this sphere.

Q. Now, the Jewish questions of the ~~XX~~ RSHA were treated by Amt Four, were they not?

A. All questions were treated by RSHA for Section Eichmann.

Q. And your Section Four was connected with Amt Four in Berlin, was it not?

A. With the exception of those affairs which were taken care of by Section Two.

Q. And Section Two was composed of members of the SD, was it not?

A. In the majority, yes.

Q. And the other members came from what organization?

A. There ~~x~~ were several employees of the criminal police, and certain employees were there because they were to do their duty in case of war.

Q. You claim that there were no members of the Gestapo in Section Two?

A. There were none until May, 1943. At least I do not know of any.

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Q. And after May, 1943?

A. After May, 1943 the SD was eliminated from Section Two; a Gestapo commissioner was called there. It is difficult to say just whether the KRIPO was active, since KRIPO members also were transferred to the Gestapo, and Gestapo members also did work in Section Two.

Q. Did Section Two receive orders from Amt Three and Amt Six, also?

A. I do not know. I don't believe so.

Q. And were you of the Section Four in touch with Section Two?

A. Only as far as that is customary within an office. There was no interlinking of business affairs. Only after May, 1943 was the sphere of activity of Section Two transferred to Section Four (B).

Q. And before May, 1943, it was Section Four which was dealing also with those questions, was it not?

A. Before 1943, Section Four had nothing to do with these tasks.

Q. And after 1943?

A. Yes, after May 1943 these affairs came into the scope of Section Four.

Q. Just to make the question quite clear--the Jewish question was dealt with by Section Two until May, 1943, and Section Four after May, 1943. Is that correct?

A. That is correct.

Q. And until May, 1943, Section Two had mainly members of the SD, and after May 1943 there came in certain members of the KRIPO or the Gestapo?

A. Up to May 1943 the personnel of Section Two was composed of SD members in the majority. There were also employed several members of the criminal police and employees of such offices. After May 1943 the personnel of Section Two was composed of several of its original employees who remained there and some new employees and civil service people.

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Q. You told us that reports of Section Four were sent to the RSHA according to the matter, either to Amt Three or Four or Six or Seven. Is this correct?

A. That is not quite correct, sir. The results of the matters with which Section Four was concerned were transferred to Amt Four. They were concerned with ~~im~~ emigration matters, socialistic groups, and ~~so~~ forth. The results of the evaluation of the material was sent from the section to the corresponding section in the central office. Section Two to Amt Two, Section Four to Amt Four, and so on.

Q. Did you never have any reports coming from Section Four or Section Six?

A. No reports.

Q. What did you receive?

A. It was feasible that the sphere of Section Three brought forth an executive measure which would have to be reported to Section Four.

Q. Now let us turn to another matter. The headquarters of the SIPO and SD in Brussels were at Avenue Louise, were they not?

A. Yes.

Q. How many floors had this building?

A. The offices were in several buildings. The house Number 453 might have had ten or eleven stories. After February, 1943 the office moved to another house which was about six ~~stories~~ stories high.

Q. On what floor were the offices of the Gestapo?

A. I believe that they were quartered in the second and third, and part of the four, fifth, and sixth floors. I believe that is about all.

Q. Were the arrest cells here?

A. The arrest cells were in the basement. They were for the time/ that the prisoners had to wait before being transferred to the prison. There was trans- ~~portation~~ portatiqn on schedule for them. In accordance with the orders of the chief

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of the office, prisoners were not permitted to remain in the cells overnight.

Q. On what floor were the interrogations held?

A. In all the offices of the stories named before. There were no special interrogation rooms.

Q. You told us yesterday that you received the order entitling the police to carry out third-degree interrogations, did you not?

A. Yes.

Q. And you told us there were certain limits to the third degree?

A. Yes.

Q. I will read you the list of third-degree measures which are quoted in Document PS 1531, USA 248. "Lowest ration of food, hard confinement, dark cell, ~~privation of~~ deprivation of sleep, exhausting exercises." Is this all?

A. Strokes with a stick.

Q. Now you told us that no prisoner could be held in your offices during the night, did you not?

A. That was a basic order.

Q. And that was the rule in all Gestapo and SIPO offices, was it not?

A. In Belgium, but not in France.

Q. You do not know how it was elsewhere?

A. That was true outside of the Reich. In the Reich ~~itself~~ itself, certain Gestapo officers may have had their own jails. Here there were none; and the regular police and court ~~jail~~ jails were put into use.

Q. That would explain, would it not, the measure of deprivation of sleep?

A. Yes, of course. Unless it was possible, and it may have been so, that in such a case the warden of the jail would have been contacted in order to make such arrangements.

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Q. Now this document which I will show to you concerns only the question of interrogation;and interrogations were carried through in the German police by the Gestapo office, were they not?

A. KRIPO, Gestapo, and any other police branch took interrogations. In the occupied territories also the secret field police and the field gendarmerie.

Q. But if this order directs about deprivation of sleep, there must have been a possibility for prisoners to have to get sleep when they are arrested by the police?

A. The prisoners were kept in the wehrmacht prisons. Of course there was an opportunity to go to sleep for them. They were Belgian prisons.

Q. So when you decided to apply this measure of deprivation of sleep you asked the warden of the prison to take the necessary steps, asking him to order deprivation of ~~k~~ sleep. Did you not?

A. Yes.

Q. Now you told us that this list of severe interrogation measures was a limited list. Is this correct?

A. Yes, there was no other possibility. There was no other directive. In my opinion, this directive is a frame directive, and has to be regarded as such.

Q. In this decree by Mueller it is said that "measures may consist, according to each particular case, among other measures of...etc." So you still maintain that ~~it~~ this is a limited list?

A. I do not know of any other directive.

Q. What do you ~~xxx~~ understand by "among other measures"? If this text is correct, it means that other measures could be adopted also.

A. One might suppose that, but I feel that the "among other measures" means lighter punishments, for this directive is an increase of punishment.

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Q. Do you agree that other measures could be adopted, other than those put into this list, according to this text? Please answer by yes or no.

DR. MERKEL: I object. This is an interpretation of a legal directive; and it is up to the court to interpret, and not to the witness.

MR. MONNERAY: The purpose of this interrogation is to show that the witness, who knows perfectly well the matter, did not give complete testimony the other day. So it is not a question of interpreting an official text, but to ask the witness to keep his testimony on the grounds of the text which is put before him.

DR. MERKEL: If such a text is submitted to the witness, I must ask that either the original or photostat is shown, rather than a notarized copy, because typing errors might have been made.

MR. MONNERAY: This is an official document put into evidence. Therefore, I think that any question of authenticity is not permissable. The document, as such, has been submitted to the Tribunal, and so no discussion, to my manner of thinking, is...

MR. TAYLOR: Would you read that question for me, please.

(Question is read.)

MR. TAYLOR: Objection over-ruled. The witness may answer the question.

A. I cannot answer this question "yes" or "no." I have just become cognisant of this order right now. I did not know of the order before. It seems to be dated 1942 or 1943. It was considered to be secret and was kept in the vault of the chief of office. All police officers considered application of third degree matters a disagreeable affair. That is why, at a conference which took place in Brussels in 1942, deputies of the offices in Holland, France, and Denmark, and a representative of the RSHA, asked for a change in the methods used in working against the enemy. The civil servant who had to use third degree

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methods, or who had applied for permission to use third-degree methods, was not considered the most efficient one. Every civil servant was told that, unless he was able to achieve his aim to find out the information from the witness by psychological methods, he had shown a certain disqualification for the job.

MR. MONNERAY: I do not want to interrupt, but I think we should ask the witness to answer as shortly as possible.

A. At the conference mentioned above, the application of third-degree methods was rejected on the basis ~~of~~ that it was necessary to encompass the mass of the enemy, and the ~~indivi~~ individual action had no importance in this. It was resolved that, by way of propaganda and dissemination of propaganda by way of word of mouth or the printed word, the hostile groups should be influenced. And that, in particular, required the assistance of the individual arrestees. Only ~~dialectic~~ dialectic work methods ~~of~~ of these could secure success for the worker.

Q. You told us that the top secrets were filed in a special safe, and that the officials had no knowledge of this order. Is this correct?

A. The instructions pertaining to the treatment of top secret and secret documents were basic for the treatment of special matters. They prohibited dissemination of top secrets and secret matters except to those who were directly concerned with them.

Q. Those rules applied to all offices of the SIPO and SD, did they not?

A. Yes, of the wehrmacht also.

Q. I will show you Document 089, which has been put into evidence already. It alters the text of this order of the third-degree interrogation, and contains all the terms, among others. This document gives as a marginal note, "(2) All male officials of the station to be informed at the next conference, 29 February 1944, and (3) to be filed with top secret documents in a steel safe." So

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this is the ordinary procedure of communicating top secret orders, is it not?

A. Yes. I do not know how large the office was. Generally it could not be done that all male members of the office were made acquainted with the top secret matters. That would be against the directive regarding secret and top secret matters.

Q. You told us yesterday that the SIPO and SD arrested only criminals. Is that correct?

A. People who committed crimes and misdemeanors against the occupying power. Yes.

Q. But the Jews you arrested did not commit any crimes, did they?

A. Beyond doubt the Jews which were collected for the action had not committed any crimes.

Q. They were treated in the camp in the same way as the criminals, were they not?

A. I stated all information I have on the camp leadership in yesterday's interrogation.

Q. You told us yesterday, didn't you, that they came into the camp under the same conditions as the other people arrested and entered there? Is this correct? Yes or no?

A. It was a reception camp for internees and people who were to be transferred to the courts later.

Q. On what occasion did you visit the camp?

A. It was quite accidental. I had been there several times with permission. There were personal reasons which brought me there several times to call on the tailor shop.

Q. What sort of commissions went to the camp?

H0970-0024

A. In several cases, military administration.

Q. In other cases?

A. Otherwise, there was no commission there. I cannot at this moment recall any other commission.

Q. The members of the SIPO ~~and~~ or the SD never visited the camp of Breendonk in any professional capacity?

A. Yes, because there were arrestees who were to be interrogated. I wish to limit my statement. I do not know whether members of the SD were there.

Q. So the members of the SIPO went into the camp to carry out interrogations, did they not?

A. Yes.

Q. And those interrogations could be carried out, if it was necessary, according to the third degree?

A. Yes.

Q. When your office sent prisoners to the camp of Breendonk, they sent/~~them~~ orders over at the same time, concerning the prisoners, did they not?

A. No.

Q. You didn't give any ~~interrogation~~ indication as to what crimes you charged them with?

A. The camp Breendonk received a copy of the arrest announcement, which I mentioned yesterday. It was a brief statement as to the cause of the arrest.

~~Q~~ Q. Did you indicate sometimes that you were sending a man who was very dangerous ~~for~~ to the security of the Reich, for instance?

A. Yes, the cause of the arrest indicated that. If the cause of arrest read "suspicion of sabotage" or "murder of German", the man dealing with the prisoner knew, of course, why the arrest had been made.

Q. In what cases were the internees isolated inside the camp?

H0970 - 0025

A. Those were prisoners who, for reasons of the penal procedure, were kept separate from the others.

Q. Internees, for instance, who were to be interrogated were separated from the others, were they not?

A. In every case where a transfer to the court was to be made, the directive applicable to penal processes had to be followed out, particularly regarding the darkening of the cell.

Q. What do you call "darkening"?

A. The prisoner was not to be brought together with anyone who either was an accomplice or with anyone who knew his accomplices. This would hamper the clarification of the case.

Q. Then, the first commander of the camp--was he a member of the SIPO?

A. No; he was a member of the SD, personally.

Q. Well, you had several chief commanders during the four years of occupation?

A. Yes. Both of them--the first and his successor--came from the SD.

Q. Is it correct that the camp of Breendonk gave, from time to time, people to be shot as hostages?

A. According to my knowledge, no shooting of hostages, in the sense of this expression, ever took place. But when shootings occurred, it is possible that, in matters of this camp, Breendonk belonged among them.

Q. What office published the lists of people to be shot?

A. The military commander. The people who were shot came partly from court prisoners who either were sentenced or about whose sentence there never was any doubt, or persons at present in the preliminary procedure stage whose heavy crimes had been proved and where there was no doubt about their being punished by death.

H0970 - 0026

Q. The office of the SIPO and SD did not cooperate with the army to put up the lists of people to be shot as a method of reprisal?

A. Secret field police received orders to submit such lists and also, probably, the courts.

Q. What was the mission of the SD in those selections?

A. The SD did not take any part in them.

(A recess was taken until 1400 hours.)

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Com. B.
21 June 1946
Take 3 - 1
1400 - 1538 hrs.
Winkler
Straub

COMMISSIONER:

Mr. George R. Taylor

THE GESTAPO

(The Commission reconvened at 1400 hrs.)

FRANZ STRAUB, a witness, took the stand and testified as follows:

MR. TAYLOR: The Witness is reminded that he is still under oath?

THE WITNESS: Yes.

MR. TAYLOR: Proceed.

CROSS EXAMINATION RESUMED

BY MR. MONNERAY:

Q. Before recess, witness, you told us that the SD had nothing to do with the establishing of lists of hostages - neither the execution of hostages, did you not?

A. Yes.

Q. But the SD was dealing with the resistence movement, were theynot?

A. No.

Q. They had nothing to do with the resistence movement?

A. I explained already the contents of the SD in departments 2, 3 and 6.

Q. The SD dealt with the ~~resistence movement, did they not~~ idealistic enemies, did ~~he~~ it not?

A. ~~They~~ Yes, up to May 1, 1943.

Q. And after that it had nothing to do any more with enemies of the Reich?

A. Individuals who were transferred from department #2 to #4 continued to be occupied there.

Q. Department #3 had nothing to do with enemies of the Reich?

A. No.

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Q. What was the title of department #3?

A. The so-called Lebensgebiete, field of living ethical problems, art, science and legal matters.

Q. What did the SD do in press matters?

A. I guess it had to do officially somehow with press reports,but I can't give any details. Officially, I didn't tell with those matters and only the director of that department or his deputy could tell you about that.

Q. How indeed do you claim then that the SD had nothing to do with persons belonging to certain groups, resistence movements, etc?

A. Nothing to do with the exception of treatment of resistence movements.

Q. If it is a question of information, he had to deal with it, did he not?

A. In general it would not be true. The only way it could have happened was that the SD received some news which it then transferred to the Sipo.

Q. Very well. The Army knew perfectly well of the organizations of the Sipo and SD, did it not?

A. I guess it was supposed to be informed, but did not distinguish too well between SD and Sipo.

Q. How do you explain that an order to execute hostages was sent over to the SD offices?

A. That must have been a typing error or confusion. It matters who directed the order to the SD. I assume that any organization which would have been informed about the set up as for instance ISH directive talked to the SD. It may be that Army or another organization who didn't know the set up might have been mistaken in directing it to the SD.

Q. I'll show you the Document F - 680 B, which is exhibit RF 290 B, Page 88.

A. There is no doubt in my mind that that is a mistake.

Com. B.
21 June 1946
Take 3 - 3
1400 - 1530 hrs.
Winkler
Straub

H0970 - 0029

Q. You told us yesterday that the Sipo and SD would never give the order for execution matters?

A. I know nothing of that.

Q. Is it correct that higher SS and Police leaders ordered execution matters?

A. I don't know of these functions, excepting by chance it might have happened. I don't know.

Q. What time did you leave Belgium?

A. September 2, 1944.

Q. Do you remember that the 18 of August and the 23 of August 1944, in Charlerois and Gent 20 and 15 hostages had been executed by order of the higher SS and police leaders?

A. Know nothing about that.

Q. Will you have a look, please, at the first page of the same document and please read it? This document says .... that "2- and 15 hostages have been shot according to the order of the higher SS and police leaders." And this document is a document of the military administration police section. It is of 13 of December 1944.

A. And does the document state that the higher SS and police leaders ordered the execution?

Q. Witness, I'll read to you the text once more- - Fourth Point - Execution in 1942, 43 and 44, altogether 240. After it - first of August 1944, 30 executions. Execution of the measure by the Sipo. 18 August 1944, Charlerois. 23 of August 1944, Gent, 20. For the two last measures by the higher SS and police leaders. Is this correct?

A. I don't know anything about it.

Q. Very well. How many Aussenkommandos had you in Belgium?

A. Five in Belgium and none in France.

Com. B.
21 June 1946
Take 3 - 4
1400 - 1530 hrs.
Winkler
Straub

H0970 - 0030

Q. How many members of the Sipo and SD were in eachAussenkommando?

A. I can give you only an estimate. Originally/they were rather small, and average was about eight people. In some cases even less. Perhaps six to eight executive officials, a few SD members and office personnel, etc.

Q. In those Aussenkommandos were members of the Gestapo, were they not?

A. There were there Sipo people, Gestapo, Criminal Police, so-called emergency service people and SD.

Q. They had executive power, did they not?

A./AT first only in conjunction with the Secret Feld Police.

Q. And during the the second period?

A. Later when their outposts grew larger, they had gotten special authority from the Ober Feld Kommando, and then they had received executive powers from that.

Q. Your executive officials, in your offices, were entitled to send people directly to the concentration camp at Breendonk or without passing by military tribunal, were they not?

A. Yes, that camp was nothing but an enlarged military prison, which is in the sense of the military prison directors.

Q. Have you any camps for work education in your district?

A. No, sir. No, I knew none in the whole district.

Q. Did you receive Hitler's decree or Keitel's decree about the N.N. execution?

A. Yes that decree was published at my office.

Q. Had you inside of the section, a sub-section dealing with N.N.?

A. No.

Q. You had nothing spetial - a sub-section called N.N. section?

A. No. Only the military courts were concerned with the execution of that order.

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Q. You had nothing to do with the execution of that order?

A. No.

Q. Do you remember the mass arrest of Jews in September 1943, in Belgium?

A. I know nothing of that.

Q. Your officials proceeded to the arrests of Jews, did they not?

A. Yes. That is true, but I don't recall any mass arrests.

Q. Did you have any instructions coming from the RSHA, how to answer relatives of people arrested and sent to Germany as a measure of deportation?

A. Are you referring that in connection to the N.N. decrees?

Q. Witness, I asked you to asnwer my questions, if possible.

A. The RSHA did not give us any in regard to that matter.

Q. Why did you have knowledge of this decree - NN.?

A. The decree had been sent to the office for information, because people who were concerned with that matter for interrogation, they had to know that they were not to talk about that matter.

Q. So you had to interrogate those who were following under the NN decree?

A. The possibility existed whether it actually happened I do not know.

Q. In this case you had to observe the orders given by the NN decree?

A. Yes.

Q. That means not to give any information to any relatives asking about the prisoners?

A. Yes.

Q. And you know perfectly well what happened afterwards to those people, did you not?

A. I knew that the military courts were concerned with the execution of the order and I knew that in those cases which were especially characteristic as following under the NN, then those cases, one should not talk about the case.

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Q. And if your officers arrested people and thought people and the crimes against those people fell under the NN decree, you gave notice to the Army, did you not?

A. The decree is to be understood in the following manner: that theywere in certain categories of crimes on file which fell under the NN decree, but it was rather up to the courts to determine whether the NN should apply to the individual cases. Practically, it happens as follows: When a man was arrested he was turned over to the military courts who subsequently had to determine whether he should be sentenced or whether he should fall under the NN decree, and until it was pronounced, he should fall under the NN decree, we were not to state that he fell under the decree.

Q. But your officials also arrested people, according to your own information you got in your offices, and interrogated them first xxdx , did they not?

A. Yes.

Q. Do you know anything about the Rote Kapelle?

A. I know the expression, but I don't know what is behind it. It was a secret Reich affair. I only know that it was a special defense dealing with the so-called Rote Kapelle, and people were arrested and sentenced by a special court.

Q. Who was arresting them?

A. A special unit which had headquarters in Paris.

Q. Who was chief of this?

A. Criminal councillor, whose name I don't know.

Q. Was it Pannwitz?

A. Yes, Pannwitz.

Q. Do you know the members of this special commando?

A. I saw Pannwitz once, and one of his assistants came in a number of time to

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me office in Belgium.

Q. Which section of your office was he in touch?

A. He asked for assistance whenever he needed it, and it was given to him in the form of motor cars.

Q. And what section was that?

A. Wherever there was an official available - he was.

Q. Any section?

A. From Section #4.

Q. Who was the man who was the expert of Jewish questions and went to Paris to conferences in order to discuss the questions?

A. That I don't know. After May 1, 1943, I couldn't have known, and as far as I know there was no expert. Before that date it could have been the head of that department or one of his assistants.

MR. MONNERAY: I have no further questions.

BY LT. COMDR. HARRIS:

Q. Witness, you understand that the purpose of this inquiry is to ascertain whether the Gestapo and SD are or were a criminal organization, don't you?

A. Yes.

Q. And you've been a professional police officer throughout your active live, haven't you?

A. Yes.

Q. Basing upon your long experience and this type of work and in these organizations, I think you have stated as a general purpose that in your opinion these organizations were not criminal.

A. I could not find any evidence of criminal activity of the Gestapo.

Q. In order to properly evaluate your testimony, we have to have some understanding of what you understand by criminality. You understand that?

A. To define an organization as criminal, I would say that the organization

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was created to commit crimes.

Q. Let me ask you this question. You would agree that an organization which for example tortured people, stole their property or which sent innocent people to prison - that would certainly be a criminal organization, wouldn't it?

A. Torture and similar mistreatment are certainly crimes.

Q. Now, when you were in the Gestapo in Germany, you knew that the Gestapo was sending persons to concentration camps, didn't you?

A. Yes.

Q. And the Gestapo sent political criminals to concentration camps?

A. Yes.

Q. And concentration camp was a place for criminals, wasn't it?

A. Yes.

Q. And what concentration camps did you know of existing in Germany?

A. Dachau, Sachsenhausen, Oranienburg, Mauthaussen and Auschwitz. I learned of Auschwitz only in connection with deportation of Jews.

Q. You knew Theresienstadt was a concentration camp, didn't you?

A. Yes, that I knew, because I mentioned already that letters from Theresienstadt came to the military government as well as to the SD from people who had been deported there.

Q. Did you ever receive letters of people who had been deported to Auschwitz?

A. No. I didn't even know the name of Auschwitz at that time.

Q. The point is this - that you knew that the SD first and the Gestapo later on in Belgium arrested people who were perfectly innocent, because they were Jews and sent them to a prison, namely, Theresienstadt, didn't you?

A. Yes, I did. We had to carry out the order, and we had no choice but to obey.

Q. That's one of the elements of criminality which you aggreed was a fair thought of criminality of organization a little while ago.

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A. I beg your pardon, sir, but I cannot consider as a characteristic criminality the mere deportation of people into concentration camps unless it is done with the intention of bringing them into bad circumstances.

Q. In other words, you didn't think that to take a person and deprive him of his liberty for the rest of his life and force him to work in a prison is a crime?

A. I don't know that it was contemplated to keep them for life. We were told they were transferred and would be transferred for labor purposes.

Q. In other words, you think that if a man is put into a prison a year or two, that is not punishment. Before it is punishment he has to be put in a prison for life or be executed?

A. I assume that I'm not allowed to express my personal opinion here.

Q. You are absolutely allowed to express your personal opinion. That's what I'm asking you for.

A. I always was opposed to treatment of the race and religious question. The fact that it was later declared a state emergency, I couldn't take any attitude against it.

Q. The point is, witness, not as to your personal responsibility, but as to the effect of your testimony with respect to organizations as a whole. Now, I think you'll agree that the Gestapo and SD were criminal with respect to their treatment of Jewish people and churches?

A. I dare not pass that judgment.

Q. Now, you said that after May 1, 1943, the military administration took care of the confiscation of Jewish property, didn't you?

A. In my opinion it was from the very beginning the competents of the military authority took charge of the confiscated property and Jewish property was considered to belong to it.

Q. Who actually seized this property of Jewish people?

H0970 - 0036

A. As far as I know it was dealt with by group #12 of the military government, and if I may explain the law of the Sipo in that regard was that the abandoned Jewish property was turned over to the billeting office which was part of the military government.

Q. The point is that the Gestapo personnel are the ones that actually went out and took the property and turned it over to the military administration?

A. Yes, it was.

Q. And was that also the case of the Socialists and Communists?

A. Only in regard to officials of those organizations.

Q. This seizure of property of the Jewish people was not pursuant to any order of court, nor was it any legal punishment, it was just outright theft, wasn't it?

A. This again is a question of political interpretation for which I'm not capable to pass. The whole matter of confiscation of any property was in the hands of the military government, although the function of the Sipo was the turning over of the key to the military government.

Q. Now, you knew that the reason that this property was being taken away from these people was simply because they were Jewish people, didn't you?

A. Yes, that I know.

Q. That is a second element in the test of criminality to which we agreed at the beginning of this cross examination; namely, the confiscation of property of innocent people.

A. The Sipo was merely an intermediary to carry out orders, and it had no means to determine whether they were legal or illegal.

Q. Except the conscience of the men who comprised the organization?

A. No, the conscience wouldn't have had much either, because the only choice was to obey the order or be court martialed.

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Q. Or to go to the front into active combat?

A. Yes.

Q. And naturally nobody wanted to go to the front in actual combat, if he could stay over in Belgium or Paris?

A. Many Sipo volunteered for front service and they were not permitted to serve. Civil servants did not have any opportunity to express themselves; they only had to obey orders and serve where they were put.

Q. Any way in addition to this matter of imprisoning innocent people and stealing their property to which you admitted the Sipo at least participated, we come to the third question of torture. Now we've discussed already this third degree method of interrogation. Now what was the purpose of these third degree interrogations?

A. The purpose was merely to determine suspective organizations. It was never to be used against the individual himself.

Q. In other words it was to force the individual to divulge information which you thought that he had?

A. Yes.

Q. And this wasn't punishment which was accessed against this individual/ by a court for something he had done. It wasn't punishment in any sense of the word, was it?

A. No.

Q. What you did you would get this poor individual into a private room and a fellow would take a stick in his hand and he would flog him 25 or 50 times. He would beat him, wouldn't he?

A. No, he wasn't allowed to do that.

Q. How did he do it then?

A. No, only within the framework of the ordnance, and I believe he would beat him ten times and that was the maximum

H0970 - 0038

Q. Now, the order says twenty times without a doctor. You testified yesterday that you knew that it was twenty-five or fifty times. The order says that for more than twenty strokes, a doctor must be consulted, and you testified yourself that it was twenty-five or fifty times?

A. No, I said ten or fifteen.

Q. And the point is this. That the order says - the order places no limitation whatsoever upon the number of strokes - the only limit is that if you beat a fellow more than twenty times, you have to have a doctor?

A. Yes, but in that the doctor was the judge, and he could determine whether the fellow could stand five more beatings or no more beatings.

Q. The point is this. You would get this poor individual in this room and you tell him to tell you what you want to knor or you'll beat him, didn't you? Now that's what was done, wasn't it?

A. Yes, I guess it took place in that manner. 'You must give this information which I am convinced you have. If you don't give me information, I will have to take such action.'

Q. Then if he didn't give you the information, you would give it to him, wouldn't you?

A. Yes, if other means didn't succeed.

Q. We will assume this is the case where this man sticks by his principles, and he won't tell except by beating. Now, so then you bring him back a few hours or the next day and ask him the same question over again, wouldn't you?

A. In that case a new permit from the head of the office had to be applied for.

Q. By all means.

A. I didn't experience it ever happening.

Q. In other words one beating was enough, is that right?

A. No, it may be that he still refused to telland in that case we would be

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instructed to use that means only as extreme emergency measure. As a matter of fact, such confession did not have any validity before the courts and if an official punished somebody not within the framework of the ordnance, he was to be punished by the State authorities.

Q. You didn't care much about the courst, because you were sending people to concantration camps without a court?

A. No, that is not correct. In Belgium we sent all to the military courts.

Q. You just testified to the Commission a few minutes ago when Mr. Monneray examined you that you sent people to Breendonk without a court order?

A. Yes, but I added that Breendonk was used only as a camp for arrest, and that people from there were sent to the military courts.

Q. We understand that according to your testimony it was only necessary in all the cases you know to give the man one beating and then he gave you the information you wanted?

A. No, I didn't say that. I only said that to my knowledge it was not performed more than once, and I expressly stated that the third degree was not necessarily successful.

Q. The point about this third degree - these beatings is that they were given for the purpose of forcing the person to give testimony against a third person and that wasn't punishment, but that was torture, wasn't it?

A. About another organization.

Q. The point is that these beatings were not punishment, but they were torture?

A. I guess I would have to consult a physician as to whether a third degree would be called torture.

Q. I think that this point is well enough established for an ordinary person to judge as to criminality of this organization according to the tests of torture, theft, and treatment of innocent people. I have no further questions.

H0970 - 0040

BY COL. ORLOW:

Q. From whom did you receive information about hostile organizations?

A. The information was received from the public in general, from foreign members of the organization, as well as from people who actually were still belonging to the organizations.

Q. Did you have a strong permanent force of agents?

A. No, Our force was composed from different sources. Criminal police, State police, SD, etc, and the force had been together in Belgium. There was no organization of agents existing yet.

Q. And you had to study the material which was coming to you?

A. Yes, I had to study the news coming to me.

Q. What did you do after that? How did you use that intelligence?

A. We evaluated the material which came to us. In some cases we made immediate arrests, but in the majority of the cases we used the information for mere surveyance, so that through the individuals we could get to the organizations.

Q. You have told us that you were interested only in organizations and not in individuals, is that so?

A. For the first period of time that was correct. In thatperiod of time actual members of the organizations came to us and uncovered the organizations. That was a period when we were merely seeking information about organizations.

Q. And if you obtained intelligence about the criminal activities of individuals, what did you do with that?

A. After political activities had been forbidden and individuals yet continued at such, two things could be done. He could be warned he had to stop the activity and he could have been taken in so-called Security Custody.

Q. Did you or members of ~~his~~ your group make personally any arrests of such individuals?

H0970 - 0041

A. As long as the group did not have executive powers, it had to use the cooperation of the Secret Field Police. After having received executive powers through order of the military authorities, the Secret Police could make arrests itself.

Q. Would your group conduct interrogations? Yes or no.

A. Yes.

COL. ORLOW: No further questions.

MR. TAYLOR: Dr. Merkel, do you have any further questions.

DR. MERKEL: Yes, a few.

By Dr. Merkel:

Q. Is it correct that civil servants, after having served for ten years, could resign from the office and yet maintain pension rights?

A. After ten years the civil servant could not be dismissned any more from service unless he had committed certain crimes. He could retire and receive pension if his application for pension was approved. Since the Security Police needed a large number of people, it would have been quite impossible to retire without very valid reasons without a certificate from a physician which the individual required for retirement.

Q. If I understood you corrected it was true that after ten years, claim for pension was established, but that in all practical cases, such retirement was not granted.

A. I could not swear to it that the number ten years which I gave is correct. It may be that in certain cases possibility provided by ~~xx~~ civil servants law, an earlier retirement was possible. I simply don't know the law.

MR. TAYLOR: Dr. Merkel, don't you think this kind of testimony is immaterial as to the defense - as to the pension. ~~Didn't~~ Don't you think it is irrelevant.

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DR. MERKEL: I only dwell on that point because it had been brought up by the prosecution, and I believe there was a need to clarify certain misunderstandings which might have come up.

MR. TAYLOR: I don't think there would be any misunderstanding as to the pension. It think it is immaterial for the defense or prosecution. I think it is pretty well cleared up, don't you?

Q. Did before the 8 or 9 of November 1938, wholesale outbreaks against the Jews take place in Germany?

A. In this moment I couldn't remember anything.

Q. Do you know whether the Stapo was active in initiating those outrages of 1938?

A. I myself learned of those happenings on the following morning which I believe was November 9, and actually my colleagues of the Stapo were quite surprised, and we all agreed that the whole incident was utter folly.

H0970 - 0043

1530 hours

Q. In the first group of that kommando with which you came to Belgium, how many members of the ~~x~~ SIPO and how many members of the SD belonged to that group?

A. I would make the following estimate: After deducting those people who did their war service in the group--the drivers and one or two interpreters, the members of the SD and SIPO were equally divided; that would mean about eight to ten of each.

Q. If I understood you correctly, that kommando existed for only about four weeks?

A. Yes.

Q. From whom did that ~~x~~ kommando receive its instructions during that period of time?

A. Exclusively from the military authorities, because there didn't exist any other means of communication.

Q. You said already that during that period of time the secret field police was/only the authority in charge of executive powers. From what date on did the security police have executive powers? I only want to know the date.

A. ~~xxxxxxxxx~~ That was a matter of gradual development, and we might possibly say it happened around the end of 1940--but a total executive power was not bestowed upon the group all at once.

Q. And when did that development terminate? That development of the entire executive power of the SIPO?

A. It was contemplated that the transfer of the total executive power ~~x~~ should take place only with the appointment of a higher police leader, around the middle of 1944.

Q. You said that the lists for the shooting of hostages were prepared, among others, also by the SIPO. ~~xxx~~/Who gave the SIPO the order to do so?

H0970-0044

A. The commanders of military forces.

Q. Is it correct that Jews were arrested in Belgium by the SIPO?

A. You then should distingiush between arrests and the collection of people for emigration. People who belonged to certain criminal categories were arrested regardless of their religion. The collection of Jews for forced labor in the East should not be identified and confused with the first kind of arrest.

Q. How many SIPO men were concerned with those arrests and the gathering of the Jews?

A. The office at Brussels was a very small group--at no time more then five. My answers cover only the office at Brussels. There were, in addition to Breendonk, five outposts, and I cannot say how many people there were concerned with the task.

Q. Do you think there were more or less there?

A. It could have been only less, because those outposts were smaller than the Brussels office.

Q. Now a few questions in regard to the third degree. Were beatings always given to the prisoners who were submitted for the third degree, or were there other means, too, mentioned in that decree?

A. The person in charge of the interrogation had a personal relationship to the person he questioned; and therefore he had to determine which means to use. It is to be assumed that he would not have used the most severe means in all cases. First, he would have taken into consideration the personal characteristics of the person being questioned; that is, he wouldn't have given so drastic a treatment to an older person.

(recess)

Q. How many people in your office were occupied with the third-degree interrogations in Brussels?

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A. The executive civil servants who had training as criminal police also handled these matters. All of them were empowered to interrogate and, if they had received permission to do so, they were empowered to apply the directive regarding third-degree interrogations. This task was not entrusted to special people.

Q. How many such executive civil servants were in your office?

A. Altogether, with the Gestapo, criminal police, and SIPO, two hundred. This figure, two hundred, is the result of a gradual increase. First it was from ten to ninety, later to 140, and still later--being sure not to exaggerate the figure--there were two hundred, but not over two hundred.

Q. Was this third-degree procedure also practiced within the authority of the criminal police?

A. I do not know.

Q. Prosecution Document L 89. I wish to read the last paragraph of this document to you. It is the directive addressed to the employees of the branch office Tomaschow. The last two paragraphs read as follows: "They, the heads of offices, are to see to it that the competent civil service employees are informed, and keep in mind, as to the necessity for strict secrecy regarding the directives and strict secrecy regarding individuals. Infractions of these rules will be punished by penal and disciplinary procedure." Doesn't that mean that only people dealing with them were permitted to have information on this matter?

A. Yes. Just as with all secret matters or all matters pertaining to a classified category, only the civil servants which were dealing with the matters were supposed to have knowledge of it.

Q. Was there any such thing as third degree in other European countries or states outside of Europe?

H0970 - 0046

MR. MONNERAY:
/I object to that question.

MR. TAYLOR: If the witness has that information, and personally knows about it, he may answer that question.

A. There are said to be such third-degree interrogations...

MR. TAYLOR: The witness is not qualified to answer, from his own statement. Does he personally know whether there are any such interrogations?

A. No, only by hearsay.

MR. TAYLOR: Objection sustained. We want the Defense Counsel to get in all the evidence they have, but the Commission does think that we are wasting considerable time in questions that are irrelevant, and that possibly some of the cross-examination has been irrelevant. We are trying to get as much in as possible, but I think that we should all cooperate by asking questions that are material and are a defense.

DR. MERKEL: One last question, sir.

MR. TAYLOR: Yes, proceed. Get all the questions you want; but let us keep to the subject.

DR. MERKEL: I believe that the question regarding the third-degree interrogation in other countries is relevant. If the witness cannot answer that question, I will formulate the question differently.

BY DR. MERKEL:

Q. Was a civil servant who was ordered to arrest a Jew or to interrogate someone in a third-degree manner entitled to refuse such an order?

A. The order to arrest Jews was obligatory, to be followed by every member of the SIPO. However, the directive pertaining to third-degree matters was a directive and not an order; and it was within the judgment of the person handling the case whether or not it should be employed.

Q. You did not answer the question very clearly. I wanted to know whether a

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civil servant could refuse to execute this order, and what the consequences of such a refusal would have been.

A. The civil servant had to execute the order given, or else he would have been liable to summary court procedure.

DR. MERKEL: I have no more questions.

BY DR. GAWLIK:

Q. Which was the section of the office receiving orders from Section Three and making reports to Section Three?

A. Nominally, Section Three reported to Amt Three.

Q. Which section of the office received orders from Amt Six and reported to Amt Six?

A. Nominally, it was Section Six, but, as I said previously, all reports went over the office's chief.

Q. Are you informed generally about the activities of Section Three and Section Six?

A. No more than I have testified to today.

Q. I wish to know from you, on the basis of your knowledge, whether you are in a position to answer the question whether Section Two was entirely a matter of SD or whether it was a special task.

A. I should think it was a special task.

Q. Are you acquainted with offices of the SIPO and the SD outside of Belgium?

A. I know my own home office in Munich--otherwise, none.

Q. Do you know whether there the Section Two employed SD people who had the same task which Section Two in Belgium had to fulfill?

A. According to my knowledge, no.

Q. Why do you designate a part of the employees of Section Two as SD men? Only because they previously belonged to the SD, or for other reasons too?

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A. They came from SD and returned to SD.

Q. Are those the only reasons?

A. I believe there are no other reasons.

Q. You declared, during the cross-examination, that SD and Gestapo arrested Jews and deported them. What do you mean here by SD?

A. I do not recall having stated"SD and Gestapo." I believe I said that they were the members of Section Two. I was referring here to the employees of Section Two--which was composed of SD people and SIPO people.

Q. In order to clarify this; Who arrested the Jews, and who deported them?

A. Up to 1 May 1943, the employees of Section Two. After the first of May 1943, those Section Two employees who were still left, and the new people who had come into that section took over that task.

Q. Did Section Three arrest Jews?

A. Section Three, as far as I know, no.

Q. Was the property of Jews confiscated by Section Three?

A. I do not know.

Q. Were third-degree interrogations practiced by Section Three?

A. I do not know.

Q. Were third-degree interrogations practiced by Section Three?

A. As far as I know, this section did not have any executive rights and probably did not practice any third-degree interrogations.

Q. Did Section Six confiscate Jewish property and carry on third-degree interrogations?

A. I do not know.

Q. Lieutenant Harris has characterized as criminal the organizations such as arrested Jews, confiscated Jewish property, and used third-degree methods. I will accept that so far; but I ask you, have the members of Section Three themselves

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committed criminal acts?

A. In my opinion, no, since these sections did not have such matters within their sphere of activity. I do not ~~mak~~ wish to say, however, that the others who have handled such matters are criminal organizations.

DR. Graulik

~~Q~~/ In order to clarify this statement, I wish to state that I did not mean that either. It was merely a temporary acceptance based upon the statement of Lieutenant Harris.

~~Qxxxx~~
BY DR. Graulik

Q. You have stated that certain affairs were transferred from Section Three to Section Four. Is that merely assumption, or can you base this statement on facts?

A. If, within the activity of gathering information by Section Three, certain matters which came up belonged to the sphere of activity of the SIPO, these matters were referred to Section Four.

Q. Were these matters things which Section Three was not competent to take care of? Is that why they were referred to Section Four?

A. Yes.

Q. ~~If~~/Did it also happen~~ed~~ that Section Four received matters falling within their competency from military and civilian offices?

A. If, in the course of work, military authorities or others had created a file which did not come within the competency of another section, it went without saying that that was referred to the proper section.

Q. You further ~~d~~ stated that only criminals were arrested by SIPO and SD. Was an SD man authorized to arrest anyone?

A. He could be authorized by the chief of his office.

Q. Was that in an individual case, or general?

A. ~~H~~ Without doubt, only in an individual case.

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Q. Do you know of any cases where members of Section Three or Six were authorized to act like that?

A. Again, we have to differentiate between the civil servant in certain sections and the ~~xxx-xxxxxx-xxx~~ non-civil servant. I think that, within Section Six, there could also be found executive civil servants. These were auxiliary officials of the state attorney and, as such, they were authorized at any time to arrest, seize, and search. I do not know at the moment whether such civil servants were attached to Section Three or Section Six.

Q. You have stated before that the camp commanders of Camp Breendonk were members of the SD. Who were the immediate superiors of these camp ~~xxx~~ commanders?

A. Regarding their activity, they were subordinate to the military administration. I do not know, nor have I ever paid any attention, to whether they ~~xxxxxxxxxxxxxxxxxxxxxxxxx~~ came from Section One, Section Three, or Section Six.

Q. What did the camp commanders, while they were working, have to do with Section Three or Section Six?

A. I do not believe that they had anything to do with them.

Q. Why, then, did you designate them as SD members?

A. Because they came from the SD and they would return to the SD. I cannot characterize them in any other way, since they were not civil servants and they were not employees.

Q. Was it the same relationship which existed when a civil servant was drafted into the army as long as he was in the army?

A. ~~xxx~~ One could characterize the situation in that way. Without any doubt, they were removed from their original field of endeavor.

~~xx~~ MR. TAYLOR: Don't you think that the witness has covered that pretty thoroughly? ~~xxx~~ He has said he is not competent to give answers on that testimony.

H0970-0051

By DR. ~~Qx~~ Grauli K

Q. Document RF 290 B has been submitted. In regard to this document you state that it must be a cast of mistaken identity regarding the SD. On the basis of your activity in Belgium and Northern France, do you know whether ~~in~~ there were many such cases of mistaken identity regarding the SD being mistaken for other agencies?

A. Regarding ~~xxx~~ the document, ~~xxxSDxxx~~ "the SD" is too brief. It should have been addressed to the commander of the security police and to the SD. I have already made statements to the effect that, in Belgium and Northern France, as anywhere else, too, the designation Gestapo is used. It is quite possible that the ~~x~~ designation "SD" is used in the same way, but I am rather less acquainted with such circumstances because it was of lesser interest to me. ~~XXXX

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Q. And then, if you lost your position, you would probably ~~xxxxxx~~ have been drafted into the army or would have had to get another job?

A. If a civil servant, during wartime, lost his position, and was fit for military service, he would have been drafted into the army, yes.

Q. Q. So that it was generally known that if you didn't carry out your work satisfactorily, you would probably get a court martial and lose your job?

A. That was the civil court.

Q. I suppose that if a person wanted to lose his job, all he had to do was to fail to~~xxx~~ carry out some minor order?

A. Yes.

Q. Now, you said that the Gestapo didn't have anything to do with this ~~1938~~ November 1938 action.

A. Yes. I was informed that they had nothing to do with it.

Q. Well, you knew that the Gestapo was charged with the responsibility of arresting twenty to thirdy ~~xxxxx~~ thousand Jews?

~~xx~~ DR. MERKEL: He has merely asked the witness whether he was active in the initiating of this action--that is to say the breaking of windows, etc. It is perfectly clear that that order was issued later.

LT. HARRIS: I just want to find out to what extent ~~xx~~ he did participate in this action.

A. I had nothing to do with it. I came to the office, as was my usual custom, at eight o'clock in the morning.

Q. And you knew that many thousands of Jews were arrested by the Gestapo and, as a result of that action here, put into concentration camps--particularly Dachau?

A. I have heard of it, but I had nothing to do with this matter because the section in which I was employed had nothing to do with it.

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Q. But this was done by the Gestapo, wasn't it?

A. The arrests were executed by the Gestapo and by the criminal police.

Q. And you said that you thought this whole procedure was utter folly, didn't you? But actually the seizure of these people for no wrongdoing whatsoever--that was criminal, wasn't it?

A. I must refer again to the fact that the officials chosen to execute this order could not reject it.

Q. But you admit that it was criminal?

DR. MERKEL: I object, because it is not up to the witness whether this order was criminal or not.

LT. HARRIS: We have to find out what is understood by "criminal."

MR. TAYLOR: I understood the witness to say this morning that he didn't dare to form an opinion on it; but if he has the opinion in his mind, the question would be competent, and he should answer the question if he can.

A. If this is to be my personal opinion, I personally wish to state that I, as a person, have rejected any problems pertaining to race or religion. I do not feel that I am strong enough to decide whether initiating this action was criminal or not. I was of the opinion that a temporary detention could not be a crime.

MR. TAYLOR: I think that is sufficient.

LT. HARRIS: No further questions.

MR. TAYLOR: The witness is excused.

(The Commission recessed at 4:25.)

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The foregoing is a true and correct transcript of the testimony of FRANZ STRAUB, taken on 21 June 1946.

Reporter (pp 1-11 & 26-41

Reporter (pp 12-25 & 42-52

CERTIFIED TO :

Commissioner

H0970-0055

Official transcript of testimony for the defense of organizations, taken before a commission appointed by the International Military Tribunal pursuant to paragraph 4 of the order of the Tribunal dated 13 March 1946.

21 June 1946

COMMISSIONER:

Mr. George R. Taylor

THE GESTAPO

(The Commission convened at 1000 hours)

FRANZ STRAUB, a witness, took the stand and testified as follows:

MR. TAYLOR: The witness is to be reminded that he is still under oath.

THE WITNESS: Yes, sir.

MR. TAYLOR: Proceed with the witness, Dr. Merkel.

DIRECT EXAMINATION RESUMED

BY DR. MERKEL:

Q I'll show you document F 673, which is RF 392, which is an order by Keitel of August 18, 1944, regarding the conduct of saboteurs and terrorists in occupied areas. I'm quoting #4 of that document: "Proceedings against terrorists and saboteurs which are and against any other criminal acts committed by non-German civilians in the occupied area which do not endanger the security or efficiency of the occupied fordes are to be stopped, indictments are to be taken back and no executions are to be carried on further. The criminals are to be handed over with the Secret files on our cases to the nearest local office of the Sipo and SD." Do you know anything about the carrying out of this order in Belgium and Northern France?

A No, I know nothing about it. That is an order issued from the Fuehrer's headquarters as a secret commando matter. I assume it went to the military courts. As an official of the Sipo I never got knowledge of that order and I assume that it actually was never received by the Sipo in Belguim since it was issued on August 18, and we left Belgium on September 2.

Q The next document I would like to show you is F 641 which is RF 320, that is a report issued by the Belgium Commission on War Crimes,

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which talks about crimes committed by the Gestapo. I'm asking you in regard to the cases listed in the appendix of the document - whether they were really misdeeds committed by the Gestapo?

A As far as I can see from the record it referred to cases in which the Geheime Field Polizei - Secret Police - was involved, so it seems again that even on December 27, 1945, people didn't realize the difference between the Gestapo and Geheime Field Polizei, and this document accused the Gestapo of the deeds which apparently were committed by the Geheime Field Polizei - Secret Field Police.

Q Does the document make reference to cases to a bit of time when the Geheime Field Polizei, Secret Field Police, was exclusively under the Army?

A It seems the cases refer to the section 530 of the Geheime Field Polizei, Secret Field Police, which never was transferred to the Sipo.

Q How were foreign laborers recruited in Northern France and Belgium?

A Foreign laborers were recruited exclusively through the sub-offices of Sauckel. The Sipo had nothing to do whatsoever with the recruiting or any other phase of the foreign labor problem. The head office of the Sipo had issued an order for Northern France and Belgium and I think also for the Netherlands and the total area of France that people who had deserted from labor should not be arrested and should not be brought back to the Reich.

Q Did the Security Police in Belgium or Northern France ever receive, carry out, or issue any orders which could be interpreted as a crime against people, against the laws, or war against humanity?

A No, sir.

Q Do you know anything about the so-called Einsatzgruppen or Einsatzkommandos which were used in the East?

A There were no Enisatzgruppen nor Einsatzkommandos in Belgium or Northern France, and we had no knowledge of the structure or function of those in the East.

Q Did the Sipo maintain special units in prisoner of war camps to sift out people who were considered racially or politically undesirable and to execute those?

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A There were no prisoner of war camps in Belgium nor Northern France, and I do not know of any orders of that kind.

Q Did the Sipo send, inany other way, people who were considered racially or politically undesirable, to camps and had them executed there?

A I never heard of anything of that kind, and I stated already here that people arrested by the Sipo were turned over to the military authorities and military courts and that the Sipo had nothing to do with them afterwards, and if and when a person had to be brought fromthe occupied territory to the Reich, in each individual case, the military commander had to be informed, and he gave or refused his approval.

Q Were people arrested and executed by the Sipo in Belgium and Northern France for crimes relative to those they were supposed to have committed - the so-called Sippenhaft?

A Such so-called Zippenhaft were not performed in Belgium and Northern France, as far as I know by the Sipo.

Q Was the so-called Nacht and Nebel - night and fog - order carried out by the Sipo In Belgium and Northern France?

A That order was issued to and carried out by the military courts and ifpeople in accordancewith that order had to be deported to the Reich then the deportati on was performed by the frontier police.

Q I submit to you document 1650, the so-called Hugel order. Was that order carried out in the district of the Sipo in Belgium and Northern France?

A I learned only of that order while I was in prison.

Q I submit to you PS 498, the so-called Kommando order of Hitler. It refers to the execution of the members of the Kommando leaders and parachutists. What do you know about the execution of that order in Belgium and Northern France?

A I learned nothing about the execution of that order in Belgium and Northern France. At that time the execution of that order was the duty of the counter-intelligence which used as its tool exclusively the Geheime Field Polizei - Secret Field Police.

Q Did the Sipo or SD possess any orders to murder people who were in their custody to prevent their liberation by the Allies?

A I know of no order of that kind. As far as I know, prisoners who

H0970-0058

were in Army installations when the German troops left, Belgium and Northenn France, were all collected into one big transport and then transferred back to Belgium and given to the Belgium authorities in prisons. For having not carried out the order of Himmler, the military commander and chief of the Security Police in Belgium, Jungclaus waspunished.

Q Had the Sipo any part in the confiscation and distribution of public or private property in Belgium?

A As far as I know, no. I outlined before any questions referring to property where the job of group #12 of the military government.

Q As far as you know were the churches persecuted in the districts of Sipo under your observation?

A As far as I know the relation between the military commander, military authorities and the cardinal of Mechelm and the other church leaders were excellent. There was only one official concerned with church matters attached to the staff of the Sipo and the SD and his only job was collecting information. As far as I know the director of church affairs between the cardinal and the military government was a minister by the name of Van Der Elst.

Q Did the Sipo or the SD blow up a synagogue in Belgium?

A As far as I know no synagogues in Belgium or Northern France were blown up at all. Therefore, members of the SD and the Sipo could not have committed such deeds.

DR. MERKEL: For the time being I have no further questions.

BY DR. GAWLIK: (Defense Counsel for the SD)

Q From whom did department #2 receive its orders - from department #3 or #4 of the main office?

A As far as I know all orders referring to Jewish affairs were received from department #4 of the Berlin head office - that was Eichmann's office. I'm convinced that all these matters were discussed by the lower Sipo officials with the military government authorities.

Q The people serving in Belgium and France, did they volunteer for service there or were they sent there as the result of legal duties?

A As far as civil servants were concerned, they could not volunteer nor could they refuse to serve. The same is true of the members of the SD

H0970-0059

and the Sipo, who had been enlisted for War service. I would assume that the same holds true for the regular members of the SD, and that they had received their orders from the main office of the SD.

Q I'm submitting to you again document F 560, which is RF 305; a report of the American Research Institute for War Crimes. It is a document which has been submitted already. I'm referring you to page 11. I would like you to tell me whether Bahrmann was actually a DSD. Please look over to page 15.

A The abbreviation DSD probably means German Security Service. If the reference is to some Mr. Bahrmann, then it should be stated that he was not a member of the SD or the Criminal Police. On page 15 the same Bahrmann is mentioned again as chief of the SD in Lille. As far as I know there didn't exist any SD office in that city, and Bahrmann is no chief of the SD, but rather a civil servant of the criminal police.

Q Was there at the place you were located any official of the SD by the name of Bahrmann?

A I know of no member of the SD named Bahrmann.

DR. GAWLIK: No further questions.

MR. TAYLOR: Dr. Merkel, do you have any further questions.

DR. MERKEL: No, sir.

CROSS EXAMINATION

BY MR. MONNERAY:

Q Witness, you were in the administration of the police since 1919 were you not?

A Since 1913.

Q And you entered into the Stapo in 1938?

A In 1937, I was transferred to the Stapo, but until March, 1938, I remained as a frontier police in Passau.

Q And you entered the Nazi Party in 1937, did you not?

A Yes.

Q. If you had wanted to do so, you had plenty of opportunity to resign in 1937, had you not ?

A. I was a professional civil servant and I did not see any reason in 1937 to resign from my regular professional career.

Q. You considered that the activities of the german police after the arrival to power of the Nazi Party was perfectly legal and correct, did you not ?

A. Yes.

Q. And especially the activity of the political police ?

A. As far as I got acquainted with the activity of the political police, and particularly the area in which I worked the work of the political police did not undergo any change.

Q. When according to your testimony even before, 1933, the German police were arresting Communists, Socialists, Jews, Free Masons, etc. Is that correct ?

A. No, all I meant to say was that if those fields of aetivity in which I was active- that is counter-intelligence and frontier defense- in those field no change was forthcoming.

Q. And you had no knowledge at all, of course, as to what was the activity of other branches of the Gestapo ?

A. Yes. I had that knowledge just as much as the member of an office has an opportunity to learn of other people in other office.

Q. Your branch had nothing to do with concentration camps, and protective custody, for instance ?

A. The office to which I was attached was at Munich and of course we were all aware of the existence of the one at Dachau.

Q. And your branch had taken people into protective custody, hadn't it ?

A. Yes, the possibility to take somebody into protective custody in the course of counter-intelligence and control arose.

Q. Had you any counter-intelligence activities in Passau ?

A. Only as far as the border police was used in the search for suspected individuals.

Q. At your police station you had no official dealing with certain independent questions ?



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A. No only as far as it played a part in the search. I meant to say that the gathering of information was not our responsibility.

Q. According to German Law, how many years is it necessary for a police official to get his pension ?

A. I think those laws were changed. I'm not sure about the details. I think they were changed in 1937. In accordance with the old law, previous to 1937, it was necessary that civil servants had served for ten years.

Q. So if you resigned in 1938, you wouldn't have gotten your pension, would you ?

A. Yes.

Q. And you had knowledge in 1938 of the persecution of the Jews in November, had you not ?

A. I know of the persecution of Jews, as far as their collecting and deportation was concerned.

Q. No synagogues had been burned in 1938 in Munich ?

A. Yes, of course, I learned of those things at that time I was to Munich and I lived in a suburb. When I came to the office in the morning I learned of it.

Q. And you don't know anything about the order the Gestapo received about those events ?

A. No, only upon my arrival at the office I learned of the things which had happened and like many other officials there, we were entirely uninformed.

Q. And immediately all the police stations and policemen were busy trying to find out why the synagogue had been burned, were they not ?

A. I couldn't tell you anything about it. That wasn't my competence, and it was the principle of my office not to interfer with matters that weren't our business. I do know that those departments of our office which were concerned with the domestic affairs immediately got busy, but what measures and results they had I do not know.

Q. But you know of course, that the whole thing had been organized by the party and the police got orders from higher authorities not to do anything?

H0970-0062

A. Only during my imprisonment, have I learned of those orders.

Q. Very well, now what was the special mission you got in Vienna in September 1944 ?

A. I arrived in Vienna in October 1944, and my mission was to investigate the Communists and Socialists tendencies in the Alt and Danube districts from Austria.

Q. From whom did you get your orders ?

A. The office IV of the Reichssicherheitshauptamt, main office of the Sipo.

Q. And in Vienna you got in touch with what branch of the local office ?

A. Only with the local Gestapo office and later with the Commander of the Sipo in Vienna. Of course, I was to interpret the mission as covering the total territory of the two mentioned Gaus, but actually I was not in a position to carry out that mission any longer because a conference which office IV was to arrange with local officials could not be held any more.

Q. Could you receive files on any question of opposition in those districts when you arrived in Vienna ?

A. No, I had to cover the material myself, and all the files I collected only covered a period up to 1938.

Q. And I suppose those files contained lists of suspected people, did they

A. No. that wasn't so. It contained the information of permanent nature of those movements but did not contain namesof individuals.

Q. At what office was the etiology of those reports - the information ?

A. The Gestapo offices.

Q. Did you receive also reports of the offices of the SD ?

A. No.

Q. And in those files, there were no reports of the SD ?

A. No, only Sipo.

Q. Now let's turn over to activities in Belgium.

Your commando was at the Sipo area in July 1940 ?

A. Yes.

Q. What was your exact position of this commando ?

A. At first the name of the office was Geheime Feld Poliezi (SI) SI was supposed to stand for Sipo.

H0970-0063



Q. And your group was a part at this time of the Secret Field Police or Commando of Sipo or SD ?

A. The group was transferred to the Sipo.

H0970-0064

Q. Was your kommando in Belgium part of the secret field police, or was it presented to the army as a Kommando of the SIPO and the SD?

A. No, it wasn't presented to the commander of the military forces as a Geheime police.

Q. You were wearing the uniform of the secret police, were you not ?

A. Yes.

Q. But themain part of the members of this group were members of the SIPO and SD, were they not ?

A. Yes, the group was composed of the members of the SIPO and the SD -- professional members of the SIPO and SD members drafted for war service.

Q. You were in Munich at the beginning of the war, were you not ?

A. Yes.

Q. And you knew probably what kind of military use many of your colleagues were to be put to after the mobilization, did you not ?

A. Yes.

Q. Do you know police of Munich who were also drafted into the secret field police ?

A. Yes, a few of them.

Q. You told us yesterday the position field kommandos consisted of research work -- finding out documents of the emigration organization, the Marxist organization, and so forth ?

A. Yes.

Q. And the whole personnel of your kommando participated in this activity did it not ?

A. Yes

Q. There was no distinction between former members of the SD and

H0970-0065

former members of the Gestapo ?

WITNESS : You still refer to the kommando, consisting of about 25 people ?

MR. MONNERAY : Yes.

A Yes. None of us had any executive power then. We were only attached to the service of the SIPO and the SD.

BY MR. MONNERAY :

Q Nevertheless, you prepared the action to be taken eventually by the army, did you not ?

A Not by the army, but by the SIPO.

Q Will you give an example of those executive measures to be carried out after the preparatory work done by your group.

A There existed in Belgium and Northern France about thirty emigrants' organizations. By order of the military authorities, the political activities of those emigrants' organizations had to be prohibited. Hence, in those emigrants' organizations, there was a lot of potential political dynamite. They were requested (a) to discontinue their political activities, and (b) to unite all together into one organization for each nationality. The military authorities also subsequently issued orders for the elimination of certain personalities who did not fit into the framework of the new emigrants' set up.

Q And in this case it was the members of the SIPO who carried out the arrests ?

A Yes. In such cases the secret field police were requested to carry out the arrests.

Q But didn't you tell us that the SIPO carried out the executive measures ?

A No, the SIPO carried out only intelligence service, and at that time the executive power was exclusively with the secret field police.

Q But after this period, the SIPO itself carried out the arrests, did it not ?

A Yes; later, when the secret field police was too busy with the carrying out of its own tasks, the SIPO was authorized by the military authorities in certain cases to carry out executions.

Q Who carried on the information gathering work ?

A As far as it was concerned with security police, the SIPO; as far as

H0970-0066

it concerned the SD, the SD.

Q And what were the questions which came under the competence of the SD ?

A I explained already yesterday that Department Two was concerned with the so-called "weltanschaulichegegne" (hostile forces, on the basis of philosophy or religious or political ground), and Department Three was concerned with lebensgebiete -- the so-called "field of life " -- economic questions, art, science, and questions of jurisprudence.

( recess )

Q After the first period of this kommando, what was your position ?

A As the kommando was enlarged to the security police, my title was criminal counsellor, and my activity was Section Four -- the security police executive action, with the exception of the executive matters falling within the scope of Section Two or Section Five.

Q What were the executive matters of Section Two ?

A Section two was charged with the preparation and execution of Jewish affairs, Freemasons, which at first was only a matter of getting information and then the securing of still extant installations. Also intelligence in the affairs of the church.

Q Do you mean the securing of installations only, or the securing of persons belonging to those institutions ?

A I do not know, but I do not believe that the securing of persons was connected with this. As far as I know only material values, installations and such, were secured.

Q During the first period, you were dealing with Freemasons, Marxists, and emigrants' resistance, were you not ?

A During the first period of my service, I was concerned with the securing of socialist and Marxist property, and at that time there was no resistence movement.

Q And following the research work, the secret field police proceeded to arrest people ?

A If such executive measures resulted from the orders of the military administration, that might be possible.

Q Do you claim that the same result would not come out of the work of Abteilung Two ?

H0970-0067

A At first Section Two was concerned with these matters only as a matter of counter-intelligence. Only later, when collecting and evacuating of Jews had started, Section Two also became active in this sphere.

Q Now, the Jewish questions of the RSHA were treated by Amt Four, were they not ?

A All questions were treated by RSHA for Section Eichmann.

Q And your Section Four was connected with Amt Four in Berlin, was it not ?

A With the exception of those affairs which were taken care of by Section Two.

Q And Section Two was composed of members of the SD, was it not ?

A In the majority, yes.

Q And the other members came from what organization ?

A There were several employees of the criminal police, and certain employees were there because they were to do their duty in case of war.

Q You claim that there were no members of the Gestapo in Section Two ?

A There were none until May, 1943. At least I do not know of any.

H0970-0068

Q And after May, 1943?

A After May, 1943 the SD was eliminated from Section Two; a Gestapo commissioner was called there. It is difficult to say just whether the KRIPO was active, since KRIPO members also were transferred to the Gestapo, and Gestapo members also did work in Section Two.

Q Did Section Two receive orders from Amt Three and Amt Six, also?

A I do not know. I don't believe so.

Q And were you of the Section Four in touch with Section Two?

A Only as far as that is customary within an office. There was no interlinking of business affairs. Only after May, 1943 was the sphere of activity of Section Two transferred to Section Four(B).

Q And before May, 1943, it was Section Four which was dealing also with those questions, was it not?

A Before 1943, Section Four had nothing to do with these tasks.

Q And after 1943?

A Yes, after May 1943 these affairs came into the scope of Section Four.

Q Just to make the question quite clear -- the Jewish question was dealt with by Section Two until May, 1943, and Section Four after May, 1943. Is that correct?

A That is correct.

Q And until May, 1943, Section Two had mainly members of the SD, and after May 1943 there came in certain members of the KRIPO or the Gestapo?

A Up to May 1943 the personnel of Section Two was composed of SD members in the majority. There were also employed several members of the criminal police and employees of such offices. After May1943 the personnel of Section Two was composed of SD members in the majority. There were also employed several members of the criminal police and employees of such offices. After May 1943 the personnel of Section Two was composed of several of its original employees who remained there an some new employees and civil service people.

Q You told us that reports of Section Four were sent to the RSHA according to the matter, either to Amt Three or Four or Six or Seven. Is this correct?

H0970-0069



A That is not quite correct, sir. The resultsof the matters with which emigration matters, socialistic groups, and so forth. The results of the evaluation of the material was sent from the section to the corresponding section in the central office. Section Two to Amt Two, Section Four to to Amt Four, and so on.

Q Did you never have any reports coming from Section Four or Section Six?

A No reports.

Q What did you receive?

A It was feasible that the sphere of Section Three brought forth an executive measure which would have to be reported to Section Four.

Q Now let us turn to anothermatter. The headquarters of the SIPO and SD in Brussels were at Avenue Louise, were they not?

A Yes.

Q How many floors had this building?

A The officeswere in several buildings. The house Number 453 might have had ten or eleven stories. After February, 1943 the office moved to another house which was about six stories high.

Q On what floor were the offices of the Gestapo?

A I believe that they were quartered in the second and third, and part of the four, fifth, and sixth floors. I believe that is about all.

Q Were the arrest cells here?

A The arrest cells were in the basement. They werefor the time that the prisoners had to wait before being transferred to the prison. There was transportation on schedule for them. In accordance with the orders of the chief of the office, prisoners were not permitted to remain in the cells overnight.

Q On what floor were the interrogations held?

A In all the offices of the stories named before. There were no special interrogation rooms.

Q You told us yesterday that you received the order entitling the police to carry out third-degree interrogations, did you not?

A Yes.

Q And you told us there were certain limits to the third degree?

A Yes.

Q I will read you the list of third-degree measures which are quoted in Document PS 1531, USA 248. "Lowest ration of food, hard confinement, dark cell, deprivation of sleep, exhausting exercises." Is that all?

A Strokes with a stick.

Q Now you told us that no prisoner could be held in your offices during the night, did you not?

A That was a basic order.

Q And that was the rule in all Gestapo and SIPO offices, was it not?

A In Belgium, but not in France.

Q You do not know how it was elsewhere?

A That was true outside of the Reich. In the Reich itself, certain Gestapo officers may have had their own jails. Here there were none; and the regular police and court jails were put into use.

Q That would explain, would it not, the measure of deprivation of sleep?

A Yes, of course. Unless it was possible, and it may have been so, that in such a case the warden of the jail would have been contacted in order to make such arrangements.

H0970-0071

Q Now this document which I will show to you concerns only the question of interrogation; and interrogations were carried through in the German police by the Gestapo office, were they not?

A KRIPO, Gestapo, and any other police branch took interrogations. In the occupied territories also the secret field police and the field gendarmerie.

Q But if this order directs about deprivation of sleep, there must have been a possibility for prisoners to have to get sleep when they are arrested by the police?

A The prisoners were kept in the wehrmacht prisons. Of course there was an opportunity to go to sleep for them. They were Belgian prisons.

Q So when you decided to apply this measure of deprivation of sleep you asked the warden of the prison to take the necessary steps, asking him to order deprivation of sleep. Did you not?

A Yes.

Q Now you told us that this list of severe interrogation measures was a limited list. Is this correct?

A Yes, there was no other possibility. There was no other directive. In my opinion, this directive is a framed directive, and has to be regarded as such.

Q In this decree by Mueller it is said that "measures may consist, according to each particular case, among other measures of...etc." So you still maintain that this is a limited list?

A I do not know of any other directive.

Q What do you understand by "among other measures"? If this text is correct, it means that other measures could be adopted also.

A One might suppose that; but I feel that the "among other measures" means lighter punishments, for this directive is an increase of punishment.

Q Do you agree that other measures could be adopted, other than those put into this list, according to this text? Please answer by yes or no.

DR. MERKEL: I object. This is an interpretation of a legal directive; and it is up to the court to interpret, and not to the witness.

H0970-0072

MR. MONNERAY: The purpose of this interrogation is to show that the witness, who knows the matter perfectly well, did not give complete testimony the other day. So it is not a question of interpreting an official text, but to ask the witness to keep his testimony on the grounds of the text which is put before him.

DR. MERKEL: If such a text is submitted to the witness, I must ask that either the original or photostat is shown, rather than a notarized copy, because typing errors might have been made.

M. MONNERAY: This is an official document put into evidence. Therefore, I think that any question of authenticity is not permissible. The document, as such, has been submitted to the Tribunal, and so no discussion, to my manner of thinking, is...

MR. TAYLOR: Would you read that question for me, please.

(Question is read.)

MR. TAYLOR: Objection over-ruled. The witness may answer the question.

A I cannot answer this question "yes" or "no." I have just become cognisant of this order right now. I did not know of the order before. It seems to be dated 1942 or 1943. It was considered to be secret and was kept in the vault of the chief of office. All police officers considered application of third degree matters a disagreeable affair. That is why, at a conference which took place in Brussels in 1942, deputies of the offices in Holland, France, and Denmark, and a representative of the RSHA, asked for a change in the methods used in working against theenemy. The civil servant who had to use third degree methods, or who had applied for permission to use third-degree methods, was not considered themost efficient one. Every civil servant was told that, unless he was able to achieve his aim to find out the information from the witness by psychological methods, he had shown a certain disqualification for the job.

MR. MONNERAY: I do not want to interrupt, but I think we should ask the witness to answer as shortly as possible.

A At the conference mentioned above, the application of third-degree methods was rejected on the basis that it was necessary to encompass the mass of the enemy, and the individual action had no importance in this. It was resolved that, by way of propaganda and dissemination of propaganda

H0970-0073



by way of word of mouth or the printed word, the hostile groups should be influenced. And that, in particular, required the assistance of the individual arrestees. Only dialectic work methods of these could secure success for the worker.

Q You told us that the top secrets were filed in a special safe, and that the officials had no knowledge of this order. Is this correct?

A The instructions pertaining to the treatment of top secret and secret documents were basic for the treatment of special matters. They prohibited dissemination of top secret and secret matters except to those who were directly concerned with them.

Q Those rules applied to all offices of the SIPO and SD, did they not?

A Yes, of the Wehrmacht also.

Q I will show youDocument 089, which has been put into evidence already. It alters the text of this order of the third-degree interrogation, and contains all the terms, among others. This document gives as a marginal note, "(2) All male officials of the station to be informed at the next conference, 29 February 1944, and (3) to be filed with top secret ddcuments in a steel safe." So

Q So the members of the SIPO went into the camp to carry out interrogations, did they not?

H0970-0074

A Yes.

Q And those interrogations could be carried out, if it was necessary, according to the third degree?

A Yes.

Q When your office sent prisoners to the camp of Breendonk, they sent orders over at the same time, concerning the prisoners, did they not?

A No.

Q You didn'tgive any indication as to what crimes you charged them with?

A The camp Breendock received a copy of the arrest announcement, which I mentioned yesterday. It was a brief statement as to the cause of the arrest.

Q Did you indicate sometimes that you were sending a man who was very dnagerous to the security of the Reich, for instance?

A Yes, the cause of the arrest indicated that. If the cause of arrest read "suspicion of sabotage" or "murder of German", the man dealing with the prisoner knew, of course, why the arrest had been made.

Q In what cases were the internees isolated inside the camp?

A Those were prisoners who, for reasons of the penal procedure, were kept separate from the others.

Q Internees, for instance, who were to be interrogated and were separated from the others, were they not?

A In every case where a transfer to the court was to be made, the directive applicable to penal processes had to be followed out, particularly regarding the darkening of the cell.

Q What do you call "darkening"?

A The prisoner was not to be brought together with anyone who either was an accomplice or with anyone who knew his accomplice. This would hamper the clarification of the case.

Q Then, the first commander of the camp -- was he a member of the SIPO?

A No; he was a member of the SD, personally.

Q Well, you had several chief commanders during the four years of occupation?

A Yes. Both of them -- the first and his successor -- came from the

H0970-0075

SD.

Q Is it correct that the camp of Breendonk gave, from time to time, people to be shot as hostages?

A According to my knowledge, no shooting of hostages, in the sense of this expression, ever took place. But when shootings occurred, it is possible that, in matters of this camp, Breendonk belonged among them.

Q What office published the lists of people to be shot?

A The military commander. The people who were shot came partly from court prisoners who either were sentenced or about whose sentence there never was any doubt, or persons at present in the preliminary procedure stage whose heavy crimes had been proved and where there was no doubt about their being punished by death.

Q The office of the SIPO and SD did not cooperate with the army to put up the lists of people to be shot as a method of reprisal?

A Secret field police received orders to submit such lists and also, probably, the courts.

Q What was the mission of the SD in those selections?

A The SD did not take any part in them.

(A recess was taken until 1400 hours)

H0970-0076

COMMISSIONER:

Mr. George R. Taylor

THE GESTAPO

(The Commission reconvened at 1400 hrs.)

FRANZ STRAUB, a witness, took the stand and testified as follows:

MR. TAYLOR: The witness is reminded that he is still under oath?

THE WITNESS: Yes.

MR. TAYLOR: Proceed.

CROSS EXAMINATION RESUMED

BY MR. MONNERAY:

Q Before recess, witness, you told us that the SD had nothing to do with the establishing of lists of hostages - neither the execution of hostages, did you not?

A Yes.

Q But the SD was dealing with the resistance movement, were they not?

A No.

Q They had nothing to do with the resistance movement?

A I explained already the contents of the SD in departments 2, 3 and 6.

Q The SD dealt with the idealistic enemies, did it not?

A Yes, up to May 1, 1943.

Q And after that it had nothing to do any more with enemies of the Reich?

A Individuals who were transferred from department #2 to #4 continued to be occupied there.

Q Department #3 had nothing to do with the enemies of the Reich?

A No.

Q What was the title of department #3?

A The so-called Lebensbebiete, field of living ethical problems, art, science and legal matters.

Q What did the SD do in press matters?

A I guess it had to do officially somehow with press reports, but I can't give any details. Officially, I didn't tell with those matters and only the director of that department or his deputy could tell you about that.

Q How indeed do you claim then that the SD had nothing to do with

H0970-0077

persons belonging to certain groups, resistance movements, etc?

A Nothing to do with the exception of treatment of resistance movements.

Q If it is a question of information, he had to deal with it, did he not?

A In general it would not be true. The only way it could have happened was that the SD received some news which it then transferred to the Sipo.

Q Very well. The Army knew perfectly well of the organizations of the Sipo and SD, did it not?

A I guess it was supposed to be informed, but did not distinguish too well between SD and Sipo.

Q How do you explain that an order to execute hostages was sent over to the SD offices?

A That must have been a typing error or confusion. It matters who directed the order to the SD. I assume that any organization which would have been informed about the set up as for instance ISH directive talked to the SD. It may be that Army or another organization who didn't know the set up might have been mistaken in directing it to the SD.

Q I'll show you the Document F - 680 B, which is exhibit RF 290 B, Page 88.

A There is no doubt in my mind that that is a mistake.

Q You told us yesterday that the Sipo and SD would never give the order for execution matters?

A I know nothing of that.

Q Is it correct that higher SS and Police leaders ordered execution matters?

A I don't know of these functions, excepting by chance it might have happened. I don't know.

Q What time did you leave Belgium?

A September 2, 1944.

Q Do you remember that the 18th of August and the 23 of August 1944, in Charleroi and Gent 20 and 15 hostages had been executed by order of the higher SS and police leaders?

A I knew nothing about that.

H0970-0078

Q Will you have a look, please, at the first page of the same document and please read it? This document says ..... that "20 and 15 hostages have been shot according to the order of the higher SS and police leaders." And this document is a document of the military administration police section. It is of 13 of December 1944.

A And does the document state that the higher SS and police leaders ordered the execution?

Q Witness, I'll read to you the text once more - Fourth Point - Execution in 1942, 43 and 44, altogether 240. After it - first of August 1944, 30 executions. Execution of the measure by the Sipo. 18 August 1944, Charlerois. 23 of August 1944, Gent, 20. For the two last measures by the higher SS and police leaders. Is that correct?

A I don't know anything about it.

Q Very well. How many Aussenkommandos had you in Belgium?

A Five in Belgium and none in France.

H0970-0079

Q How many members of the Sipo and SD were in each Aussenkommando?

A I can give you only an estimate. Originally they were rather small and average was about eitht people. In some cases even less. Perhaps six to eight executive officials, a few SD members and office personnel, etc.

Q Inthose Aussenkommandos were members of the Gestapo, were they not?

A There were there Sipo people, Gestapo, Criminal Police, so-called emergency service people and SD.

Q They had executive power, did they not?

A At first only in conjunction with the Secret Field Police.

Q And during the second period?

A Later when their outposts grew larger, they had gotten special authority from the Ober Feld Kommando, and then they had received executive powers from that.

Q Your executive officials, in your offices, were entitled to send people directly to the concentration camp at Breendonk or without passing by military tribunal, were they not?

A Yes, that camp was nothing but an enlarged military prison, which is in the sense of the military prison directors.

Q Have you any camps for work education in your district?

A No, sir. No, I know none in the whole district.

Q Did you receive Hitler's decree or Keitel's decree about the N.N. execution?

A Yes that decree was published at my office.

Q Had you inside of the section, a sub-section dealing with N.N?

A No.

Q You had nothing special - a sub-section called N.N. section?

A No. Only the military courts were concerned with the execution of that order.

Q You had nothing to do with the execution of that order?

A No.

Q Do you remember the mass arrest of Jews in September 1943, in Belgium?

A I know nothing of that.

Q Your officials proceeded to the arrests of Jews, did they not?

A Yes. That is true, but I don't recall any mass arrests.

H0970-0080

Q Did you have any instructions coming from the RSHA, how to answer relatives of people arrested and sent to Germany as a measure of deportation?

A Are you referring that in connection to the N.N. decrees?

Q Witness, I asked you to answer my questions, if possible.

A The RSHA did not give us any in regard to that matter.

Q Why did you have knowledge of this decree - NN.?

A The decree had been sent to the office for information, because people who were concerned with that matter for interrogation, they had to know that they were not to talk about that matter.

Q So you had to interrogate those who were following under the NN decree?

A The possibility existed whether it actually happened I do not know.

Q In this case you had to observe the orders given by the NN decree?

A Yes.

Q That means not to give any information to any relatives asking about the prisoners?

A Yes.

Q And you know perfectly well what happened afterwards to those people, did you not?

A I knew that the military courts were concerned with the execution of the order and I knew that in those cases which were especially characteristic as following under the NN, then those cases, one should not talk about the case.

Q And if your officers arrested people and thought people and the crimes against those people fell under the NN decree, you gave notice to the Army, did you not?

A The decree is to be understood in the following manner: that they were in certain categories of crimes on file which fell under the NN decree, but it was rather up to the courts to determine whether the NN should apply to the individual cases. Practically, it happens as follows: when a man was arrested he was turned over to the military courts who subsequently had to determine whether he should be sentenced or whether he should fall under the NN decree, and until it was pronounced, he should fall under the NN decree, we were not to state that he fell under the decree.

Q But your officials also arrested people, according to your own

H0970-0081

information you got in your offices, and interrogated them first, did they not?

A Yes.

Q Do you know anything about the Rote Kapelle?

A I know the expression, but I don't know what is behind it. It was a secret Reich affair. I only know that it was a special defense dealing with the so-called Rote Kapelle, and people were arrested and sentenced by a special court.

Q Who was arresting them?

A A special unit which had headquarters in Paris.

Q Who was chief of this?

A Criminal councillor, whose name I don't know.

Q Was it Pannwitz?

A Yes, Pannwitz.

Q Do you know the members of this special commando?

A I saw Pannwitz once, and one of his assistants came in a number of times to

H0970-0082

me office in Belgium.

Q. Which section of your office was he in touch ?

A. He asked for assistance whenever he needed it, and it was given to him in the form of motor cars.

Q. And what section was that ?

A. Wherever there was an official available - he was.

Q. Any section ?

A. From Section No. 4.

Q. Who was the man who was the expert of Jewish questions and went to Paris to conferarces in order to discuss the questions ?

A. That I don't know. After May, 1, 1943, I couldn't have known, and as far as I know there was no expert. Before that date it could have been the head of that department or one of his assistants.

MR. MONNERAY: I have no further questions.

BY LT. COMDR. HARRIS:

Q. Witness, you understand that the purpose of this inquiry is to ascertain whether the Gestapo and SD are or were a criminal organization, don't you ?

A. Yes.

Q. And you've been a professional police officer throughout your active live, haven't you ?

A. Yes.

Q. Basing upon your long experience and this type of work and in these organizations, I think you have stated as a general purpose that in your opinion these organizations were not criminal.

A. I could not find any evidence of criminal activity of the Gestapo.

Q. In order to properly evaluate your testimony, we have to have some understanding of what you understand by criminality. You understand that ?

A. To define an organization as criminal, I would say that the organization was created to commit crimes.

Q. Let me ask you this question. You would agree that an organization which for example tortured people, stole their porperty or which sent innocent people to prison -that would certainly be a criminal organization, wouldn't it ?

H0970-0083



A. Torture and similar mistreatment are certainly crimes.

Q. Now when you were in the Gestapo in Germany, you knew that the Gestapo was sending persons to concentration camps, didn't you ?

A. Yes.

Q. And the Gestapo sent political criminals to concentration camps ?

A. Yes.

Q. And concentration camps were a place for criminals, wasn't it ?

A. Yes.

Q. And what concentration camps did you know of existing in Germany ?

A. Dachau, Sachsenhausen, Oranienburg, Mauthausen, Auschwitz. I learned of Auschwitz only in connection with deportation of Jews.

Q. You knew Theresienstadt was a concentration camp, didn't you ?

A. Yes, that I knew, because I mentioned already that letters from Theresienstadt came to the military government as well as to the SD from people who had been deported there.

Q. Did you ever receive letters of people who had been deported to Auschwitz ?

A. No. I didn't know even the name of Auschwitz at that time.

Q. The point is this -that you knew that the SD first and the Gestapo later on in Belgium arrested people who were perfectly innocent, because they were Jews and sent them to a prison, namely, Theresienstadt, didn't you ?

A. Yes, I did. We had to carry out the order, and we had no choice but to obey.

Q. That's one of the elements of criminality which you agreed was a fair thought of criminality of organization a little while ago.

A. I beg your pardon, sir, but I cannot consider as a characteristic criminality the mere deportation of people into concentration camps unless it is done with the intention of bringing them into bad circumstances.

Q. In other words, you didn't think that to take a person and deprive him of his liberty for the rest of his life and force him to work in a prison is a crime ?

A. I don't know that it was contemplated to keep them for life. We were told they were transferred and would be transferred for labor purposes.

H0970-0084



Q. In other words, you think that if a man is put into a prison a year or two, that is not punishment. Before it is punishment he has to be put in a prison for life or be executed ?

A. I assume that I'm not allowed to express my personal opinion here.

Q. You are absolutely allowed to express your personal opinion. That's what I am asking you for.

A. I always was opposed to treatment of the race and religious question. The fact that it was later declared a state emergency, I couldn't take any attitude against it.

Q. The point is, witness, not as to your personal responsibility, but as to the effect of your testimony with respect to organizations as a whole. Now I think you'll agree that the Gestapo and SD were criminal in respect t their treatment of Jewish people and churches ?

A. I dare not pass that judgment.

Q. Now, you said that after May 1, 1943, the military administration took care of the confiscation of Jewish property, didn't you ?

A. In my opinion it was from the very beginning the competents of the military authority took charge of the confiscated property and Jewish prope ty was considered to belong to it.

Q. Who actually seized this property of Jewish people ?

H0970-0085

A As far as I know it was dealt with by group #12 of the military government, and if I may explain the law of the Sipo in that regard was that the abandoned Jewish property was turned over to the billeting office which was part of the military government.

Q The point is that the Gestapo personnel are the ones that actually went out and took the property and turned it over to the military administration ?

A Yes, it was.

Q And was that also the case of the Socialists and Communists ?

A Only in regard to officials of those organizations.

Q This seizure of property of the Jewish people was not pursuant to any order of court, nor was it any legal punishment, it was just outright theft, wasn't it ?

A This gain is a question of political interpretation for which I'm not capable to pass. The whole matter of confiscation of any property was in the hands of the military government, although the function of the Sipo was the turning over of the key to the military government.

Q Now, you knew that the reason that this property was being taken away from these people was simply because they were Jewish people, didn't you ?

A Yes, that I know.

Q That is a second element in the test of criminality to which we agreed at the beginning of this cross examination; namely, the confiscation of property of innocent people.

A The Sipo was merely an intermediary to carry out orders, and it had no means to determine whether they were legal or illegal.

Q Except the conscience of the men who comprised the organization ?

A No, the conscience wouldn't have had much either, because the only choice was to obey the order or be court martialed.

Q Or to go to the front into active combat ?

A Yes.

Q And naturally nobody wanted to go to the front in actual combat, if he could stay over in Belgium or Paris ?

A Many Sipo volunteered for front service and they were not permitted to serve. Civil servants did not have any opportunity to express themselves; they only had to obey orders and serve where they were put.

H0970-0086

Q Any way in addition to this matter of imprisoning innocent people and stealing their property to which you admitted the Sipo at least participated, we come to the third question of torture. Now we've discussed already this third degree method of interrogation. Now what was the purpose of these third degree interrogations ?

A The purpose was merely to determine suspective organizations. It was never to be used against the individual himself.

Q In other words it was to force the individual to divulge information which you thought that he had ?

A Yes.

Q And this wasn't punishment which was accessed against this individual by a court for something he had done. It wasn't punishment in any sense of the word, was it ?

A No.

Q What you did you would get this poor individual into a private room an a fellow would take a stick in his hand and he would flog him 25 or 50 times. He would beat him, wouldn't he ?

A No, he wasn't allowed to do that.

Q How did he do it then ?

A No, only within the framework of the ordnance, and I believe he would beat him ten times and that was the maximum.

Q Now, the order says twenty times without a doctor. You testified yesterday that you knew that it was twenty-five or fifty times. The order says that for more than twenty strokes, a doctor must be consulted, and you testified yourself that it was twenty-five or fifty times ?

A No, I said ten or fifteen.

Q And the point is this. That the order says - the order places no limitation whatsoever upon the number of strokes - the only limit is that if you beat a fellow more than twenty times, you have to have a doctor?

A Yes, but in that the doctor was the judge, and he could determine whether the fellow could stand five more beatings or no more beatings.

Q The point is this. You would get this poor individual in this room and you tell him to tell you what you want to know or you'll beat him, didn't you ? Now that's what was done, wasn't it ?

A Yes, I guess it took place in that manner. "You must give this

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information which I am convinced you have. If you don't give me information, I will have to take such action."

Q Then if he didn't give you the information, you would give it to him, wouldn't you ?

A Yes, if other means didn't succeed.

Q We will assume this is the case where this man sticks by his principles and he won't tell except by beating. Now, so then you bring him back a few hours or the next day and ask him the same question over again, wouldn't you ?

A In that case a new permit from the head of the office had to be applied for.

Q By all means.

A I didn't experience it ever happening.

Q In other words one beating was enough, is that right ?

A No, it may be that he still refused to tell and in that case we would be

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insturcted to use that means only as extreme emergency measure. As a matter of fact, confession did not have any validity before the courts and if an official punished somebody not within the framework of the ordinance he was to be punished by the State authorities.

Q. You didn't care much about the courts, because you were sending people to concentration camps without a court ?

A. No, that is not correct. In Belgium we sent all to the military courts.

Q. You just testified to the Commission a few minutes ago when Mr. Morneray examined you that you sent people to Breendonk without a court orde

A. Yes, but I added that Breendonk was used only as a camp for arrest and that people from there were sent to the military courts.

Q. We understand that according to your testimony it was only necessary in all the cases you know to give the man one beating and then he gave you the information you wanted ?

A. No, I didn't say that. I only said that to my knowledge it was not performed more than once, and I expressly stated that the third degree was not necessarily successful.

Q. The point about this third degree-these beatings is that they were given for the purpose of forcing the person to give testimony against a third person and that wasn't punishment, but that was torture, wasn't it?

A. About another organization.

Q. The point is that these beatings were not punishment, but they were torture.

A. I guess I would have to consult a physician as to whether a third degree would be called torture.

Q. I think that this point is well enough established for an ordinary person to judge as to criminality of this organization according to the tests of torture, theft, and treatment of innocent people. I have no further questions.

BY COLONEL ORLOW:

Q. From whom did you receive information about hostile organizations ?

A. The information was received from the public in general, from foreign members of the organizations, as well as from people who actually were still belonging to the organizations.

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Q. Did you have a strong permanent force of agents ?

A. No, our force was composed from different sources. Criminal police, State police, SD, etc., and the force had been together in Belgium. There was an organization of agents existing yet.

Q. And you had to study the material which was coming to you ?

A. Yes, I had to study the news coming to me.

Q. What did you do after that ? How did you use that intelligence ?

A. We evaluated the material which came to us. In some cases we made immediate arrests, but in the majority of the cases we used the information for mere surveyance, so that through the individuals we could get to the organizations.

Q. You have told us that you were interested only in organizations and not in individuals, is that so ?

A. For the first period of time that was correct. In that period of time actual members of the organizations came to us and uncovered the organizations. That was a period when we were merely seeking information about organizations.

Q. And if you obtained intelligence about the criminal activities of individuals, what did you do with that ?

A. After political activities had been forbidden and individuals yet continued at such, two things could be done. He could be warned he had to stop the activity and he could have been taken in so-called Security Custo

Q. Did you or members of your group make personally any arrests of such individuals ?

A. As long as the group did not have executive powers, it had to use the cooperation of the Secret Field Police. After having received executive powers through order of the military authorities, the Secret Police could make arrests itself.

Q. Would your group conduct interrogations ? Yes or no.

A. Yes.

COLONEL ORLOW: No further questions.

MR. TAYLOR: Dr. Merkel, do you have any further questions ?

DR. MERKEL: Yes, a few.

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BY DR. MERKEL:

Q. Is it correct that civil servants, after having served for ten years, could resign from the office and yet maintain pension rights ?

A. After ten years the civil servant could not be dismissed any more from service unlesshe had committed certain crimes. He could retire and receive pension if his application for pension was approved. Since the Security Police needed a large number of people, it would have been quite impossible to retire without very valid reasons without a certificate from a physician which the individual required for retirement.

Q. If I understood you corrected it was ture that after ten years, claim for pension was established, but that in all practical cases, such retirement was not granted.

A. I could not swear to it that the number ten years which I gave is correct. It may be that in certain cases possibility provided by civil servants law, an earlier retirement was possible, I simply don't know the

MR. TAYLOR: Dr. Merkel, don't you think this kind of testimony is immaterial as to the defense - as to the pension. Don't you think it is irrelevant.

DR. MERKEL: I only dwell on that point because it had been brought up by the prosecution and I believe there was a need to clarify certain misunderstandings which might have come up.

MR. TAYLOR: I don't think there would be any misunderstanding as to the questions. I think it is immaterial for the defense or prosecution. I think it is pretty well cleared up don't you ?

Q. Did before the 8 or 9 of November 1938, wholesale outbreaks against the Jews take place in Germany ?

A. In this moment I couldn't remember anything.

Q. Do you know whether the Gestapo was active in initiating those outrages of 1938 ?

A. I myself learned of those happenings on the following morning which I believe was November 9, and actually my colleagues of the Gestapo were quite surprised, and we all agreed that the whole incident was utter folly.

Q In the first group of that kommando with which you came to Belgium, how many members of the SIPO and how many members of the SD belonged to that group ?

A I would make the following estimate : After deducting those people wh did their war service in the group -- the drivers and one or two interpreters - the members of the SD and SIPO were equally divided; that would mean about eight to ten of each.

Q If I understood you correctly, that kommando existed for only about four weeks ?

A Yes.

Q From whom did that kommando receive its instructions during that perio of time ?

A Exclusively from the military authorities, because there didn't exist any other means of communication.

Q You said already that during that period of time the secret field police was the only authority in charge of executive powers. From that date on did the security police have executive powers ? I only want to know the date.

A That was a matter of gradual development, and we might possibly say it happened around the end of 1940 -- but a total executive power was not bestowed upon the group all at once.

Q And when did that development terminate ? That development of the entire executive power of the SIPO ?

A It was contemplated that the transfer of the total executive power should take place only with the appointment of a higher police leader, around the middle of 1944.

Q You said that the lists for the shooting of hostages were prepared, among others, also by the SIPO. Who gave the SIPO the order to do so ?

A The commanders of military forces.

Q Is it correct that Jews were arrested in Belgium by the SIPO ?

A You then should distinguish between arrests and the collection of people for emigration. People who belonged to certain criminal categories were arrested regardless of their religion. The collection of Jews for force labor in the East should not be identified and confused with the first kind of arrest.



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Q How many SIPO men were concerned with those arrests and the gathering of the Jews ?

A The office at Brussels was a very small group -- at no time more than five. My answers cover only the office at Brussels. There were, in addition to Breendonk, five outposts, and I cannot say how many people there were concerned with the task.

Q Do you think there were more or less there ?

A I could have been only less, because those outposts were smaller than the Brussels office.

Q Now a few questions in regard to the third degree. Were beatings always given to the prisoners who were submitted for the third degree, or were there other means, too, mentioned in that degree ?

The person in charge of the interrogation had a personal relationship to the person he questioned and therefore he had to determine which means to use. It is to be assumed that he would not have used the most severe means in all cases. First, he would have taken into consideration the personal characteristics of the person being questioned; that is, he wouldn't have given so drastic a treatment to an older person.

( Recess )

Q How many people in your office were occupied with the third-degree interrogations in Brussels ?

A The executive civil servants who had training as criminal police also handled these matters. All of them were empowered to interrogate and, if they had received permission to do so, they were empowered to apply the directive regarding third-degree interrogations. This task was not entrusted to special people.

Q How many such executive civil servants were in your office ?

A Altogether, with the Gestapo, criminal police, and SIPO, two hundred. This figure, two hundred, is the result of a gradual increase. First it was from ten to ninety, later to 140, and still later -- being sure not to exaggerate the figure -- there were two hundred, but not over two hundred.

Q Was this third-degree procedure also practiced within the authority of the criminal police ?

A I do not know.

Q Prosecution Document L 89. I wish to read the last paragraph of this



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document to you. It is the directive addressed to the employees of the branch office Tomaschow. The last two paragraphs read as follows : "Th[illegible], the heads of offices, are to see to it that the competent civil service employees are informed, and keep in mind, as to the necessity for strict secrecy regarding the directives and strict secrecy regarding individuals. Infractions of these rules will be punished by penal and disciplinary procedure." Doesn't that mean that only people dealing with t[illegible]m were permitted to have information on this matter ?

A Yes. Just as with all secret matters or all matters pertaining to a classified category, only the civil servants which were dealing with the matters were supposed to have knowledge of it.

Q Was there any such thing as third degree in other European countries or states outside of Europe ?



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MR. MONNERAY: I object to that question.

MR. TAYLOR: If the witness has that information, and personally knows about it, he may answer that question.

A There are said to be such third-degree interrogations...

MR. TAYLOR: The witness is not qualified to answer, from his own statement. Does he personally know whether there are any such interrogations?

A No, only by hearsay.

MR. TAYLOR: Objection sustained. We want the Defense Counsel to get in all the evidence they have, but the Commission does think that we are wasting considerable time in questions that are irrelevant, and that possibly some of the cross-examination has been irrelevant. We are trying to get as much in as possible, but I think that we should all cooperate by asking questions that are material and are a defense.

DR. MERKEL: One last question, sir.

MR. TAYLOR: Yes, proceed. Get all the questions you want; but let us keep to the subject.

DR. MERKEL: I believe that the question regarding the third-degree interrogation in other countries is relevant. If the witness cannot answer that question, I will formulate the question differently.

BY DR. MERKEL:

Q Was a civil servant who was ordered to arrest a Jew or to interrogate someone in a third-degree manner entitled to refuse such an order?

A The order to arrest Jews was obligatory to be followed by every member of the SIPO. However, the directive pertaining to third-degree matters was a directive and not an order; and it was within the judgment of the person handling the case whether or not it should be employed.

Q You did not answer the question very clearly. I wanted t know whether a civil servant could refuse to execute this order, and what the consequences of such a refusal would have been.

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A The civil servant had to execute the order given, or else he would have been liable to summary court procedure.

DR. MERKEL: I have no more questions.

BY DR. GAWLIK:

Q Which was the section of the office receiving orders from Section Three and making reports to Section Three?

A Nominally, Section Three reported to Amt Three.

Q Which section of the office received orders from Amt Six and reported to Amt Six?

A Nominally, it was Section Six, but, as I said previously, all reports went over the office's chief.

Q Are you informed generally about the activities of Section Three and Section Six?

A No more than I have testified to today.

Q I wish to know from you, on the basis of your knowledge, whether you are in a position to answer the question whether Section Two was entirely a matter of SD or whether it was a special task.

A I should think it was a special task.

Q Are you acquainted with offices of the SIPO and the SD outside of Belgium?

A I know my own home office in Munich--otherwise, none.

Q Do you know whether there the Section Two employed SD people who had the same task which Section Two in Belgium had to fulfill?

A According to my knowledge, no.

Q Why do you designate a part of the employees of Section Two as SD men? Only because they previously belonged to the SD, or for other reasons too?

A They came from SD and returned to SD.

Q Are those the only reasons?

A I believe there are no other reasons.

Q You declared, during the cross-examination, that SD and Gestapo arrested Jews and deported them. What do you mean here by SD?

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A I do not recall having stated "SD and Gestapo." I believe I said that they were the members of Section Two. I was referring here to the employees of Section Two--which was composed of SD people and SIPO people.

Q In order to clarify this; Who arrested the Jews, and who deported them?

A Up to 1 May 1943, the employees of Section Two. After the first of May 1943, those Section Two employees who were still left, and the new people who had come into that section took over that task.

Q Did Section Three arrest Jews?

A Section Three, as far as I know, no.

Q Was the property of Jews confiscated by Section Three?

A I do not know.

Q Were third-degree interrogations practiced by Section Three?

A I do not know.

Q Were third-degree interrogations practiced by Section Three?

A As far as I know, this section did not have any executive rights and probably did not practice any third-degree interrogations.

Q Did Section Six confiscate Jewish property and carry on third-degree interrogations?

A I do not know.

Q Leiutenant Harris has characterized as criminal the organizations such as arrested Jews, confiscated Jewish property, and used third-degree methods. I will accept that so far; but I ask you, have the members of Section Three themselves

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committed criminal acts?

A In my opinion, no, since these sections did not have such matters within their sphere of activity. I do not wish to say, however, that the others who have handled such matters are criminal organizations.

DR. GAWLIK: In order to clarify this statement, I wish to state that I did not mean that either. It was merely a temporary acceptance based upon the statement of Lieutenant Harris.

BY DR. GAWLIK:

Q You have stated that certain affairs were transferred from Section Three to Section Four. Is that merely assumption, or can you base this statement on facts?

A If, within the activity of gathering information by Section Three, certain matters which came up belonged to the sphere of activity of the SIPO, these matters were referred to Section Four.

Q Were these matters things which Section Three was not competent to take care of? Is that why they were referred to Section Four?

A Yes.

Q Did it also happen that Section Four received matters falling within their competency from military and civilian offices?

A If, in the course of work, military authorities or others had created a file which did not come within the competency of another section, it went without saying that that was referred to the proper section.

Q You further stated that only criminals were arrested by SIPO and SD. Was an SD man authorized to arrest anyone?

A He could be authorized by the chief of his office.

Q Was that in an individual case, or general?

A Without doubt, only in an individual case.

Q Do you know of any cases where members of Section Three or Six were authorized to act like that?

A Again, we have to differentiate between the civil servant in certain sections and the non-civil servant. I think that, within Section Six, there could also be found executive civil servants. These were auxiliary officials of the state attorney and, as such, they were authorized at any time to arrest,

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seize, and search. I do not know at the moment whether such civil servants wer attached to Section Three or Section Six.

Q You have stated before that the camp commanders of Camp Breendonk were members of the SD. Who were the immediate superiors of these camp commanders?

A Regarding their activity, they were subordinate to the military administration. I do not know, nor have I ever paid any attention, to whether they came from Section One, Section Three, or Section Six.

Q What did the camp commanders, while they were working, have to do with Section Three or Section Six?

A I do not believe that they had anything to do with them.

Q Why, then did you designate them as SD members?

A Because they came from the SD and they would return to the SD. I cannot characterize them in any other way, since they were not civil servants and they were not employees.

Q Was it the same relationship which existed when a civil servant was drafted into the army as long as he was in the army?

A One could characterize the situation in that way. Without any doubt they were removed from their original field of endeavor.

MR. TAYLOR: Don't you think that the witness has covered that pretty thoroughly? He has said he is not competent to give answers on that testimony.

BY DR. GAWLIK:

Q Document RF 290 B has been submitted. In regard to this document you state that it must be a case of mistaken identity regarding the SD. On the basis of your activity in Belgium and Northern France, do you know whether there were many such cases of mistaken identity regarding the SD being mistaken for other agencies?

A Regarding the document, "the SD" is too brief. It should have been addressed to the commander of the security police and to the SD. I have already made statements to the effect that, in Belgium and Northern France, as anywhere else, too, the designation Gestapo is used. It is quite possible that the designation "SD" is used in the same way, but I am rather less acquainted with such circumstances because it was of lesser interest to me.

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Q I am asking you, did the officers use, as a matter of convenience, the designation "SD" for the offices of the SIPO and the SD?

A No doubt that may have happened.

BY LIEUTENANT HARRIS:

Q You say that if you didn't carry out certain orders, you might have received a summary court martial, didn't you?

A Yes.

Q And for another thing: if you didn't obey orders, you might have lost your job?

A The summary court always had a consequence in the loss of one's position.

Q And then, if you lost your position, you would probably have been drafted into the army or would have had to get another job?

A If a civil servant, during wartime, lost his position, and was fit for military service, he would have been drafted into the army, yes.

Q So that it was generally known that if you didn't carry out your work satisfactorily, you would probably get a court martial and lose you job?

A That was the civil court.

Q I suppose that if a person wanted to lose a job, all he had to do was to fail to carry out some minor order?

A Yes.

Q Now, you said that the Gestapo didn't have anything to do with this November 1938 action?

A Yes. I wasinformed that they had nothing to do with it.

Q Well, you knew that the Gestapo was charged with the responsibility of arresting twenty to thirty thousand Jews?

DR. MERKEL: He has merely asked the witness whether he was active in the initiating of this action--that is to say, the breaking of windows, etc. It is perfectly clear that thatorder was issued later.

LT. HARRIS: I just want to find out to what extent he did participate in this action.

A I had nothing to do with it. I came to the office, as was my usual custom, at eight o'clock in the morning.

Q And you knew that many thousands of Jews were arrested by the Gestapo and, as a result of that action here, put into concentration camps --particularly Dachua?

A I have heard of it, but I had nothing to do with this matter because the section in which I was employed had nothing to do with it.

Q But that was done by the Gestapo, wasn't it?

A The arrests were executed by the Gestapo and the criminal police.

Q And you said that you thought this whole procedure was utter folly, didn't you? But actually the seizure of these people for no wrongdoing whatsoever -- that was criminal, wasn't it?

A I must refer again to the fact that the officials chosen to execute this order could not reject it.



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Q But you admit that it was criminal?

DR. MERKEL: I object, because it is not up to the witness whether this order was criminal or not.

LT. HARRIS: We have to find out what is understood by "criminal".

MR. TAYLOR: I understood the witnessto say this morning that he didn't dare to form an opinion on it; but if he has the opinion in his mind, the question would be competent, and he should answer the question if he can.

A If this is to be my personal opinion, I personally wish to state that I, as a person, have rejected any problem pertaining to race or religion. I do not feel thatI amstrong enough to decide whether initiating this action was criminal or not. I was of the opinion that a temporary detention could not be a crime.

MR. TAYLOR: I think that is sufficient.

LT. HARRIS: No further questions.

MR. TAYLOR: The witness isexcused.

(The Commission recessed at 4:25)

The foregoing is a true and correct transcript of the testimony of FRANZ STRAUB, taken on 21 June 1946.

Bernice Winkler
Reporter

D. J. Noll
Reporter

CERTIFIED TO:

Geo. R. Taylor
Commissioner